PARL. PAPERS
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B I L L S,

PUBLIC:

SIX VOLUMES.

—*(1.)*—

ABSCONDING DEBTORS (IRELAND)

TO

CUSTOMS TARIFF ACTS AMENDMENT AND CONSOLIDATION.

Session

12 *December* 1854—— 14 *August* 1855.

VOL. I.

1854–5.

BILLS:

1854–5.

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(Ireland.)

A

BILL

TO

Facilitate the more speedy Arrest of absconding Debtors in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the Laws now in force for the Arrest of Debtors absconding from Ireland are insufficient and inadequate for that Purpose, by reason of the Delay which is occasioned in obtaining the necessary Process: And whereas Frauds are perpetrated upon Creditors residing at a Distance from Dublin by Debtors embarking for distant Countries from various Towns and Seaports in Ireland: And whereas it is expedient to provide a more expeditious and efficacious Mode of obtaining Process for the Arrest of Debtors about to quit Ireland in all Cases where such Debtors are now liable by Law to be arrested: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act* it shall be lawful for the Assistant Barrister of any County in Ireland, or for any Commissioner of Bankruptcy, or for the Mayor or Recorder of any Corporate Town, (the said Person and Persons being hereafter referred to as the Commissioners,) on Application by or on behalf of any Creditor, upon due Proof by Affidavit, intituled in Her Majesty's Superior Authority to Assistant Barristers, Commissioners of Bankruptcy, or Mayor or Recorder of any Cor-

porate Town to grant Warrants for the Arrest of absconding Debtors.

Superior Courts of Common Law, of the Creditor applying, or of some other Person, or by solemn Affirmation in Cases in which solemn Affirmation is allowed by Law, to the Satisfaction of such Commissioner or Commissioners, that a Debt of *Twenty Pounds* or upwards is owing to such Creditor, and is then payable from the Person or Persons against whom such Application shall be made, and that there is probable Cause for believing that such Debtor or Debtors, unless he or they be forthwith apprehended, is or are about to quit Ireland with Intent to avoid or delay the said Creditor, or with Intent to remain out of the Jurisdiction of the Courts of Law in Ireland so long that thereby the said Creditor will or may be delayed in the Recovery of the said Debt, to grant a Warrant, such Warrant being in the Form and endorsed in the Manner specified in the Schedule A. to this Act annexed, or to the like Effect, to such Person as the said Creditor shall name, and the said Commissioner or Commissioners shall approve, as his Bailiff, and at his Peril, whereby the said Bailiff and his Assistants shall have Authority, at any Time within *Seven* Days after the Date of the said Warrant, including the Day of such Date, to arrest the Person or Persons named in such Warrant, and him or them safely keep until he or they shall have given Bail to such Bailiff, or made Deposit with him, according to the Practice observed in the Superior Courts of Law, or until he shall have paid the Debt and Costs endorsed on the said Warrant, or be otherwise discharged from Arrest under such Warrant by due Course of Law, and such Warrant shall bear Date the Day of the issuing thereof, and may be executed in any Part of Ireland, and a Copy of such Warrant or Warrants shall at the Time of the Arrest be served upon the Party arrested: Provided always, that every Creditor who shall cause such Warrant to issue shall, within *Seven* Days thereafter, cause to be issued a Writ of Capias, and also, in Cases where no Action shall be pending, a Writ of Summons and Plaint out of some One of the Superior Courts of Law in Dublin, against such Debtor or Debtors, and shall cause such Debtor or Debtors, if in Custody, to be served with such Writ of Capias within *Seven* Days from the issuing of such Warrant, and if not in Custody then within *Three* Days after he shall have been arrested and in Custody on such Warrant; and thereupon such Debtor or Debtors shall be considered and deemed to have been arrested by virtue of the said Writ of Capias, and all Proceedings shall be had upon such Writ of Capias as if the same had been issued prior to the issuing of such Warrant, and as if the Arrest had been made on such Writ of Capias, and according to the Practice now observed in the said Superior Courts of Law.

Writ of Capias to issue thereupon.

Before whom Affidavits to be sworn.

II. The Affidavit or Affimation required by this Act may be sworn or made before such Commissioners, or before any Person having

having Authority to administer Oaths in any of the Courts of Law aforesaid.

Warrants to be auxiliary to such Writ of Capias.

III. The Warrant or Warrants which shall be issued by virtue of this Act shall be auxiliary only to the Processes now in use, and shall be wholly void and of none Effect whatsoever as a Protection to the Person on whose Behalf such Warrant shall have issued, unless such Writ of Capias shall be issued and served in manner aforesaid.

Time and Place of Arrest of Debtor to be endorsed upon Warrant, and upon Production Sheriffs to receive and detain such Debtor.

IV. The Person to whom the Warrant hereby authorized to be issued shall be directed shall, immediately on the same being executed, endorse a Certificate thereupon of the Time and Place where the Debtor was arrested; and the Production of such Warrant and Certificate to the Sheriff of the County where such Warrants shall have issued, or to the Keeper of the Gaol of such County, shall be a sufficient Authority to such Sheriff or Keeper to detain such Debtor or Debtors until he or they shall be discharged by due Course of Law.

Persons arrested entitled to Discharge in certain Cases.

V. It shall be lawful for any Person arrested upon any such Warrant forthwith before the issuing of the said Writ of Capias to pay the Debt and Costs which shall be endorsed on such Warrant to the said Bailiff as aforesaid, or to enter into a Bail Bond to such Bailiff, with Two sufficient Sureties, for the Amount which shall be endorsed on such Warrant, conditioned to put in special Bail as required by the said Warrant, or to make Deposit of the Sum endorsed on such Warrant, together with *Ten Pounds* for Costs, and thereupon he shall be entitled to be discharged from Custody, and such Bailiff is hereby authorized and required to discharge such Person accordingly.

Effect of Writs of Capias on previous Proceedings.

VI. As soon as the Person so arrested as aforesaid has been taken into Custody or detained under the Writ of Capias herein-before mentioned, the said Person shall be held and detained in Custody under or by virtue of the said Writ of Capias in like Manner as if the said Person had been first arrested under and by virtue of the same, or in case the Person so arrested shall have made Deposit with the said Bailiff as aforesaid, or entered into such Bail Bond as aforesaid, then, upon Delivery to the Bailiff by whom such Person was arrested of a Copy of the Warrant granted by the Sheriff upon such Writ of Capias as aforesaid, the said Bailiff shall pay over to such Sheriff as aforesaid the said Deposit, or assign to the Sheriff such Bail Bond as aforesaid, and the said Sheriff shall then hold the said Deposit or Bail Bond, and shall be entitled to enforce the said Bail Bond in his own Name, or to assign the same, in the same Manner as if the said Person had been first arrested on the said Writ of

Capias, and the said Deposit had been made or Bail Bond entered into with the said Sheriff: Provided always, that the said Sheriff shall not be in any Manner liable or answerable for any Default, Misbehaviour, or Miscarriage of the Person to whom such Warrant was addressed, or of the Person or Persons making the Arrest under and by virtue of the said Warrant; provided also, that if no Writ of Capias be issued and served within *Seven* Days from the issuing of the said Warrant, the Person arrested under such Warrant shall be entitled to be discharged from Custody, or in case the Deposit has been made with or Bail Bond given to the said Bailiff, then the said Deposit shall be returned, and the said Bail Bond given up to be cancelled.

Endorsement on Warrant.

VII. Such Warrant shall be endorsed with the Amount of Debt and Costs claimed by the Plaintiff in such Manner as Writs of Capias are now directed to be endorsed, and on Payment of the Amount so endorsed all Proceedings shall be stayed, and the Person so arrested be discharged from Custody, and he shall be at liberty afterwards to tax the Costs so endorsed as if he had been arrested under a Writ of Capias.

Persons arrested may apply to a Commissioner of Bankrupt, a Judge, or the Court named in the Warrant, for their Discharge.

VIII. It shall be lawful for any Person for whose Arrest a Warrant shall have been granted to make Application, either before or after Arrest shall have been made by virtue of the said Warrant, and before a Writ of Capias shall have been issued as aforesaid, to any Judge of the said Superior Courts, for a Summons or Rule calling upon the Creditor who shall have obtained such Warrant to show Cause why the Warrant should not be set aside and vacated, if such Application shall be made before Arrest, or why the Debtor should not be discharged out of Custody, if the Application should be made after Arrest, and that it shall be lawful for such Judge or Court to make absolute or discharge such Summons or Rule, and direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Judge or Court shall seem fit; provided that any such Order made by a Judge may be discharged or varied by the Court in which an Action may be then pending for the said Debt, or if no such Action be pending, by any of the said Superior Courts, on Application made thereto by either Party dissatisfied with such Order.

Officer responsible for the due Execution of Warrant.

IX. The Officer or Person to whom such Warrant shall be directed or addressed as aforesaid shall be subject to the Jurisdiction of the Court in which the Action shall be brought; or, in case no Action shall be brought, to any Judge thereof, and shall be responsible to such Court or Judge, and to the Person at whose Suit such Warrant shall

shall issue, for the due Execution of the said Warrant, in the same Manner, so far as the Circumstances of the Case will admit, as Sheriffs are now responsible for the due Execution of all Writs of Capias directed or addressed to them, and shall be entitled to the same Protection as Sheriffs now are entitled to on executing such Writs.

Costs of such Warrant to be Costs in the Cause, except as herein provided to the contrary.

X. The Costs of and attending the Warrant hereby authorized to be issued, and the Arrest thereon, shall be deemed to be Costs in the Cause: Provided always, that no such Costs shall be allowed to a Plaintiff unless the Court or the proper Officer thereof is satisfied, by Affidavit or otherwise, that the Plaintiff had good Reason to believe that he would probably have failed in causing the Defendant to be arrested if he had proceeded in the first instance by Application to a Judge of One of the Superior Courts for a Writ of Capias, without first applying to Commissioners under the Provisions of this Act.

Fees to be taken in respect of Warrant to be issued.

XI. The Fees mentioned in Schedule B. to this Act annexed shall be paid to the Parties in the said Schedule named, and no other Fees shall be allowed or taken in respect of the Warrant to be issued by virtue of this Act, and the Costs of the Writs and Plaint and Summons and Capias shall be the same as if this Act had not passed; and the said Fees shall be deemed subject to be regulated, varied, increased, or lessened by the Judges of Her Majesty's Superior Courts of Law in Dublin, or any Nine of them, and a Table of such Fees as are hereby receivable by any Officer shall be put up in some conspicuous Place in every Quarter Sessions Court House in Ireland.

Short Title of Act.

XII. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Absconding Debtors Arrest (Ireland) Act, 1855."

SCHEDULE A.

THE ABSCONDING DEBTORS ARREST ACT (IRELAND), 1855.

WHEREAS A.B. [the Creditor] hath this Day proved upon Oath, [or solemn Affirmation, as the Case may be,] to my Satisfaction, that C.D. [the Debtor] is indebted to the said A.B. in the Sum of £ , and that there is probable Cause for believing that the said C.D., unless he be forthwith apprehended, is about to quit Ireland with such Intent as is mentioned in the Absconding Debtors Arrest (Ireland) Act, 1854: These are to desire and authorize you, that you take the said C.D. wheresoever he may be found, and him safely keep until he shall have given you Bail or made Deposit with you according to Law, in a personal Action [" on Promises," or " of Debt," or " Covenant," as the Cause of Action may be,] at the Suit of A.B., or until the said C.D. shall have paid the Debt and Costs endorsed on this Warrant, or shall by other lawful Means be discharged from your Custody. I do further command you to whom this Warrant is directed, that on Execution hereof you do deliver a Copy hereof to the said C.D. And I hereby require the said C.D. to take Notice that Application will be made forthwith to One of the Superior Courts of Common Law, [or if Warrant be issued after Action brought, then state the Court in which the Action is pending,] for a Writ of Capias, Summons, or Plaint, to be issued against the said C.D., and a Copy of such Writ, if obtained, will be served upon the said C.D., if still in Custody, within Seven Days from the Date of this Warrant, including the Day of such Date. And I do further command you to whom this Warrant is directed, that immediately after the Execution hereof you do certify by Endorsement hereon the Time and Place when and where you shall have executed the same.

Dated the Day of A.D.

This Warrant is to be executed within Days from the Date hereof, including the Day of such Date, and not afterwards.

(ENDORSEMENT.)

This Warrant was issued by of

Attorney for the within-named

A Warning to the Defendant.

Within *Seven* Days from the Day of the Date of this Warrant, including the Day of such Date, you will be served with a Writ of Capias, and thereafter you will be considered as arrested by virtue of such Writ of Capias, and all Proceedings will be had upon the said Writ of Capias as if this Warrant had been issued by virtue of such Writ of Capias, or you may be discharged forthwith on depositing in the Hands of the Officer to whom this Warrant is directed the Sum of £ and *Ten Pounds* for Costs, or on Payment to such Officer of the Debt and Costs endorsed on this Warrant, or on entering into a Bail Bond to such Officer, with Two sufficient Sureties, for the Amount endorsed on this Warrant.

The Plaintiff claims £ for Debt and £ for Costs.

Bail for the Sum of £ by Order of [the Party issuing the Warrant].

SCHEDULE B.

Fees.

	£	*s.*	*d.*
To the Attorney, for preparing the Affidavit of Debt, and showing that the Debtor is about to abscond, and Oath - - - - - - - -	*0*	*10*	*0*
To the same, for attending to issue the Warrant - -	*0*	*6*	*8*
To the Clerk of the Court or Officer on the issuing of a Warrant - - - - - -	*0*	*5*	*0*
To the Party executing the Warrant, for the Caption -	*1*	*1*	*0*
To the same, for every Mile from the Place where the Warrant shall be issued to the Place where it shall be executed, a further Sum of - - - -	*0*	*0*	*6*
To the same, for every Mile from the Place where the Debtor shall be arrested to the Gaol where he shall be lodged, the further Sum of - - - -	*0*	*1*	*0*

Absconding Debtors.

(Ireland.)

A

BILL

To facilitate the more speedy Arrest of absconding Debtors in Ireland.

(Prepared and brought in by Mr. Cairns and Mr. Napier.)

Ordered, by The House of Commons, *to be Printed*, 16 *May* 1855.

[Bill 130.]

Under 1 *oz.*

18 *June* 1855. 18 Vict.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Facilitate the more speedy Arrest of absconding Debtors in Ireland.

WHEREAS the Laws now in force for the Arrest of Debtors absconding from Ireland are insufficient and inadequate for that Purpose, by reason of the Delay which is occasioned in obtaining the necessary Process: And whereas Frauds are perpetrated upon Creditors residing at a Distance from Dublin by Debtors embarking for distant Countries from various Towns and Seaports in Ireland: And whereas it is expedient to provide a more expeditious and efficacious Mode of obtaining Process for the Arrest of Debtors about to quit Ireland in all Cases where such Debtors are now liable by Law to be arrested: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, it shall be lawful for the Assistant Barrister of any County or Riding of a County in Ireland, or for the Recorder of Cork or Galway, or for the Mayor of any of the following Boroughs, viz., Belfast, Clonmel, Cork, Drogheda, Kilkenny, Limerick, Londonderry, Sligo, and Waterford, (the said Person and Persons being hereafter referred to as the Commissioners,) Authority to Assistant Barristers, Recorder of Cork or Galway, or Mayors of certain

Towns to grant Warrants for the Arrest of absconding Debtors.

missioners,) on Application by or on behalf of any Creditor, upon due Proof by Affidavit, intituled in one of Her Majesty's Superior Courts of Common Law in Dublin, of the Creditor applying or of some other Person, or by solemn Affirmation in Cases in which solemn Affirmation is allowed by Law, to the Satisfaction of such Assistant Barrister, Recorder, or Mayor, that a Debt of Twenty Pounds or upwards is owing to such Creditor, and is then payable from the Person or Persons against whom such Application shall be made, and that there is probable Cause for believing that such Debtor or Debtors, unless he or they be forthwith apprehended, is or are about to quit Ireland with Intent to avoid or delay the said Creditor, to grant a Warrant, such Warrant being in the Form and endorsed in the Manner specified in the Schedule A. to this Act annexed, or to the like Effect, to such Person as the said Creditor shall name, and the said Assistant Barrister, Recorder, or Mayor shall approve, as the Bailiff of the Creditor, and at his Peril, whereby the said Bailiff and his Assistants shall have Authority, at any Time within Seven Days after the Date of the said Warrant, including the Day of such Date, to arrest the Person or Persons named in such Warrant, and him or them safely keep until he or they shall have given Bail to such Bailiff, or made Deposit with him, according to the Practice observed in the Superior Courts of Law, or until he shall have paid the Debt and Costs endorsed on the said Warrant, or be otherwise discharged from Arrest under such Warrant by due Course of Law, and such Warrant shall bear Date the Day of the issuing thereof, and may be executed in any Part of Ireland, and a Copy of such Warrant or Warrants shall at the Time of the Arrest be served upon the Party arrested: Provided always, that every Creditor who shall cause such Warrant to issue shall within Seven Days thereafter cause to be issued a Writ of Capias, and also, in Cases where no Action shall be pending, shall before the issuing of such Writ of Capias cause a Writ of Summons and Plaint to be issued out of some One of the Superior Courts of Law in Dublin, against such Debtor or Debtors, and upon such Capias all Mandates and Warrants shall issue according to the Practice now in use, notwithstanding that the Defendant shall have been arrested by virtue of any Warrant or Warrants granted by such Assistant Barrister, Recorder, or Mayor; and such Debtor or Debtors, if in Custody, shall be served with such Writ of Capias within Seven Days from the issuing of such Warrant, including the Day of such Date; and thereupon such Debtor or Debtors shall be considered and deemed to have been arrested by virtue of the said Writ of Capias, and all Proceedings shall be had upon such Writ of Capias as if the same had been issued prior to the issuing of such Warrant, and as if the Arrest had been made on

Writ of Capias to issue thereupon.

on such Writ of Capias, and according to the Practice now observed in the said Superior Courts of Law.

Before whom Affidavits to be sworn.

II. The Affidavit or Affimation required by this Act may be sworn or made before such Assistant Barrister, Recorder, or Mayor, or before any Person having Authority to administer Oaths in any of the Courts of Law aforesaid.

Warrants to be auxiliary to such Writ of Capias.

III. The Warrant or Warrants which shall be issued by virtue of this Act shall be auxiliary only to the Processes now in use, and shall be wholly void and of none Effect whatsoever as a Protection to the Person on whose Behalf such Warrant shall have issued, unless such Writ of Capias shall be issued and served in manner aforesaid.

Time and Place of Arrest of Debtor to be endorsed upon Warrant, and upon Production Sheriffs to receive and detain such Debtor.

IV. The Person to whom the Warrant hereby authorized to be issued shall be directed shall, immediately on the same being executed, endorse a Certificate thereupon of the Time and Place where the Debtor was arrested; and the Production of such Warrant and Certificate to the Sheriff of the County where such Warrant shall have issued or been executed, or to the Keeper of the Gaol of such County, shall be a sufficient Authority to such Sheriff or Keeper to detain such Debtor or Debtors until he or they shall be discharged by due Course of Law.

Persons arrested entitled to Discharge in certain Cases.

V. It shall be lawful for any Person arrested upon any such Warrant forthwith before the issuing of the said Writ of Capias to pay the Debt and Costs which shall be endorsed on such Warrant to the said Bailiff as aforesaid, or to enter into a Bail Bond to such Bailiff, with Two sufficient Sureties, for the Amount which shall be endorsed on such Warrant, conditioned to put in Special Bail, as required by the said Warrant, or to make Deposit of the Sum endorsed on such Warrant, together with Ten Pounds for Costs, and thereupon he shall be entitled to be discharged from Custody, and such Bailiff is hereby authorized and required to discharge such Person accordingly.

Effect of Writs of Capias on previous Proceedings.

VI. As soon as the Person so arrested as aforesaid has been taken into Custody or detained under the Writ of Capias herein-before mentioned, the said Person shall be held and detained in Custody under or by virtue of the said Writ of Capias in like Manner as if the said Person had been first arrested under and by virtue of the same, or in case the Person so arrested shall have made Deposit with the said Bailiff as aforesaid, or entered into such Bail Bond as aforesaid, then, upon Delivery to the Bailiff by whom such Person was arrested of a Copy of the Warrant granted by the Sheriff upon such Writ of Capias as aforesaid, the said Bailiff shall pay over to

such Sheriff as aforesaid the said Deposit, or assign to the Sheriff such Bail Bond as aforesaid, and the said Sheriff shall then hold the said Deposit or Bail Bond, and shall be entitled to enforce the said Bail Bond in his own Name, or to assign the same, in the same Manner as if the said Person had been first arrested on the said Writ of Capias, and the said Deposit had been made or Bail Bond entered into with the said Sheriff: Provided always, that the said Sheriff shall not be in any Manner liable or answerable for any Default, Misbehaviour, or Miscarriage of the Person to whom such Warrant was addressed, or of the Person or Persons making the Arrest under and by virtue of the said Warrant; provided also, that if no Writ of Capias be issued and served within Seven Days from the issuing of the said Warrant, the Person arrested under such Warrant shall be entitled to be discharged from Custody, or in case the Deposit has been made with or Bail Bond given to the said Bailiff, then the said Deposit shall be returned, and the said Bail Bond given up to be cancelled.

Endorsement on Warrant.

VII. Such Warrant shall be endorsed with the Amount of Debt and Costs claimed by the Plaintiff in such Manner as Writs of Capias are now directed to be endorsed, and on Payment of the Amount so endorsed all Proceedings shall be stayed, and the Person so arrested be discharged from Custody, and he shall be at liberty afterwards to tax the Costs so endorsed as if he had been arrested under a Writ of Capias.

Persons arrested may apply to any Assistant Barrister, Judge, or the Court named in the Affidavit of Debt, for their Discharge.

VIII. It shall be lawful for any Person for whose Arrest a Warrant shall have been granted to make Application, either before or after Arrest shall have been made by virtue of the said Warrant, and before a Writ of Capias shall have been issued as aforesaid, to any Assistant Barrister of a County or Riding, or to a Judge of the said Superior Courts, or to the Court mentioned in the Affidavit of Debt, for a Summons or Rule calling upon the Creditor who shall have obtained such Warrant to show Cause why the Warrant should not be set aside and vacated, if such Application shall be made before Arrest, or why the Debtor should not be discharged out of Custody, if the Application should be made after Arrest, and that it shall be lawful for such Assistant Barrister, Judge, or Court to make absolute or discharge such Summons or Rule, and direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Assistant Barrister, Judge, or Court shall seem fit; provided that any such Order made by an Assistant Barrister or Judge may be discharged or varied by the Court in which an Action may be then pending for the said Debt, or if no such Action be pending, by any of the said Superior Courts, on Application made thereto by either Party dissatisfied with such Order.

IX. The

IX. The Bailiff to whom such Warrant shall be directed or addressed as aforesaid shall be subject to the Jurisdiction of the Court in which the Action shall be brought, or, in case no Action shall be brought, to the Jurisdiction of the Court mentioned in the Affidavit of Debt, and to the Jurisdiction of any Judge of the said Courts respectively, and shall be responsible to such Court or Judge, and to the Person at whose Suit such Warrant shall issue, for the due Execution of the said Warrant, in the same Manner, so far as the Circumstances of the Case will admit, as Sheriffs are now responsible for the due Execution of all Writs of Capias directed or addressed to them, and shall be entitled to the same Protection as Sheriffs now are entitled to on executing such Writs.

Bailiff responsible for the due Execution of Warrant.

X. The Costs of and attending the Warrant hereby authorized to be issued, and the Arrest thereon, shall be deemed to be Costs in the Cause: Provided always, that no such Costs shall be allowed to a Plaintiff unless the Court or the proper Officer thereof is satisfied, by Affidavit or otherwise, that the Plaintiff had good Reason to believe that he would probably have failed in causing the Defendant to be arrested if he had proceeded in the first instance by Application to a Judge of One of the Superior Courts for a Writ of Capias, without first applying to an Assistant Barrister, Recorder, or Mayor, under the Provisions of this Act.

Costs of such Warrant to be Costs in the Cause, except as herein provided to the contrary.

XI. The Fees mentioned in Schedule B. to this Act annexed shall be paid to the Parties in the said Schedule named, and no other Fees shall be allowed or taken in respect of the Warrant to be issued by virtue of this Act, and the Costs of the Writs and Plaint and Summons and Capias shall be the same as if this Act had not passed; and the said Fees shall be deemed subject to be regulated, varied, increased, or lessened by the Judges of Her Majesty's Superior Courts of Law in Dublin, or any Nine of them, and a Table of such Fees as are hereby receivable by any Officer shall be put up in some conspicuous Place in every Quarter Sessions Court House in Ireland.

Fees to be taken in respect of Warrant to be issued.

XII. In citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Absconding Debtors Arrest (Ireland) Act, 1855."

Short Title of Act.

SCHEDULE A.

THE ABSCONDING DEBTORS ARREST ACT (IRELAND), 1855.

WHEREAS *A.B.* [*the Creditor*] hath this Day proved to my Satisfaction, upon Oath, [*or* solemn Affirmation, *as the Case may be*,] intituled in the Court of
that *C.D.* [*the Debtor*] is indebted to the said *A.B.* in the Sum of £ , and that there is probable Cause for believing that the said *C.D.*, unless he be forthwith apprehended, is about to quit Ireland with such Intent as is mentioned in the Absconding Debtors Arrest (Ireland) Act, 1854: These are to desire and authorize you, that you take the said *C.D.* wheresoever he may be found, and him safely keep until he shall have given you Bail or made Deposit with you according to Law, in a personal Action [" on Promises," *or* " of Debt," *or* " Covenant," *as the Cause of Action may be*,] at the Suit of *A.B.*, or until the said *C.D.* shall have paid the Debt and Costs endorsed on this Warrant, or shall by other lawful Means be discharged from your Custody. I do further command you to whom this Warrant is directed, that on Execution hereof you do deliver a Copy hereof to the said *C.D.* And I hereby require the said *C.D.* to take notice that Application will be made forthwith to One of the Superior Courts of Common Law, [*or if Warrant be issued after Action brought, then state the Court in which the Action is pending*,] for a Writ of Capias, Summons, or Plaint, to be issued against the said *C.D.*, and a Copy of such Writ, if obtained, will be served upon the said *C.D.*, if still in Custody, within Seven Days from the Date of this Warrant, including the Day of such Date. And I do further command you to whom this Warrant is directed, that immediately after the Execution hereof you do certify by Endorsement hereon the Time and Place when and where you shall have executed the same.

Dated the Day of A.D.

This Warrant is to be executed within Days from the Date hereof, including the Day of such Date, and not afterwards.

(ENDORSEMENT.)

This Warrant was issued by of
Attorney for the within-named

A Warning to the Defendant.

Within Seven Days from the Day of the Date of this Warrant, including the Day of such Date, you will be served with a Writ of Capias, and thereafter you will be considered as arrested by virtue of such Writ of Capias, and all Proceedings will be had upon the said Writ of Capias as if this Warrant had been issued by virtue of such Writ of Capias, or you may be discharged forthwith on depositing in the Hands of the Officer to whom this Warrant is directed the Sum of £ and Ten Pounds for Costs, or on Payment to such Officer of the Debt and Costs endorsed on this Warrant, or on entering into a Bail Bond to such Officer, with Two sufficient Sureties, for the Amount endorsed on this Warrant.

The Plaintiff claims £ for Debt and £ for Costs.

Bail for the Sum of £ by Order of [*the Party issuing the Warrant*].

SCHEDULE B.

Fees.

	£	*s.*	*d.*
To the Attorney, for preparing the Affidavit of Debt, and showing that the Debtor is about to abscond, and Oath	0	10	0
To the same, for attending to issue the Warrant	0	6	8
To the Clerk of the Court or Officer on the issuing of a Warrant	0	5	0
To the Party executing the Warrant, for the Caption	1	1	0
To the same, for every Mile from the Place where the Warrant shall be issued to the Place where it shall be executed, a further Sum of	0	0	6
To the same, for every Mile from the Place where the Debtor shall be arrested to the Gaol where he shall be lodged, the further Sum of	0	1	0

Absconding Debtors.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate the more speedy Arrest of absconding Debtors in Ireland.

(Prepared and brought in by Mr. Cairns and Mr. Napier.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1855.

[Bill 173.]

Under 1 *oz.*

Accidents on Railways Bill.

ARRANGEMENT OF CLAUSES.

Railway Companies to provide Means of Communication between Guards and Drivers of Trains. Penalty for Noncompliance; Sect. 1.

Power to Board of Trade to require the Substitution of a Bridge for a level Crossing; 2.

Appeal against the Order of the Board of Trade; 3.

Contribution to the Expense of a Bridge or other Works at level Crossings; 4.

Level Crossings not to be used by Foot Passengers if a Footbridge be provided; 5.

Civil Liability of Companies extended to Misfeasances of their Servants; 6.

Railway Servants leaving without Notice liable to Fine or Imprisonment; 7.

Defining the Words "Passenger Railway" in the Acts relating to Railways; 8.

Interpretation; 9.

Short Title; 10.

A

B I L L

INTITULED

An Act for the better Prevention of Accidents on Railways.

[Note.—The Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS it is expedient to make further Provision for the Prevention of Accidents on Railways: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, and at all Times thereafter, every Railway Company which runs any Trains for the Conveyance of Passengers upon any Railway shall provide and cause to be used in and upon such Trains such Apparatus and Arrangements, to be provided to them from Time to Time by the Board of Trade, as shall afford good and sufficient Means of immediate Communication between the Guards and the Drivers of such Trains while the Trains are in Motion; and every Railway Company shall make such Byelaws, Rules, and Regulations, to be observed by the Guards, Engine Drivers, and other Officers and Servants of such Company, and by all other Companies and Persons using the Railway of such Company, and such Regulations with regard to the Construction of the Carriages and other Vehicles to be used in such Trains on the Railway of such Company, as are requisite for ensuring Railway Companies to provide Means of Communication between Guards and Drivers of Trains while in Motion.

the Employment and proper Use of such Means of Communication as aforesaid; and every Railway Company which at any Time after the Expiration of Three Months from the Time or Times when such Apparatus and Arrangements shall have been so prescribed fails to comply with the Provisions herein-before contained as to ensuring Means of Communication between the Guards and Drivers of Trains shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds for every Day during which such Default shall continue, to be recovered, by Information in the Name of Her Majesty's Attorney General, in the Court of Exchequer at Westminster or Dublin, or in Name of the General Advocate in the Court of Exchequer in Scotland.

Power to Board of Trade to require the Substitution of a Bridge for a level Crossing.

II. In any Case where a Railway may have been or hereafter may be constructed or authorized to be constructed across any Turnpike Road, Street, or other public Highway on the Level, it shall be lawful for the Board of Trade, if it appear to them necessary for the Public Safety, to authorize and require the Company to whom such Railway belongs, within such Time as the Board of Trade shall direct, to carry such Road, Street, or Highway either over or under the said Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing; and the Provisions of the Fifteenth Section of the Act of the Fifth and Sixth Years of Her present Majesty, Chapter Fifty-five, with respect to the taking of additional Land by Railway Companies for the Purposes therein mentioned, shall apply to the taking by the said Railway Company of any additional Land required for constructing any Works for effecting the Alteration of such level Crossing; and the Expense of the Alteration of such level Crossing or other Works aforesaid or such Part thereof as shall not be defrayed by other Parties in the Manner herein-after mentioned, shall be borne by the said Company; and where any Railway Company has been so required to construct a Bridge or Arch, or execute any other Works in lieu of or at or near any such level Crossing as aforesaid, they shall execute and complete the same within the Period appointed for that Purpose by the Board of Trade; and if such Company fail so to do, they shall, on summary Conviction of such Default before Two Justices, forfeit to the Commissioners, Trustees, or other Persons having the Control of such Turnpike Road or Street, or to the Surveyor of such Highway, (as the Case may be,) Twenty Pounds for every Day during which such Bridge, Arch, or other Works remain uncompleted beyond the Period so appointed for their Completion; and it shall be lawful for the Justices by whom any such Penalty is imposed

Expense how to be borne.

Period for Construction of Bridge.

Penalty.

imposed to order the whole or any Part thereof to be laid out in executing the Work in respect whereof such Penalty was incurred: Provided always, that where any such Road, Street, or public Carriageway is so carried either under or over such Railway it shall not be necessary for the said Company to erect or maintain any Station or Lodge at the Point where such Road, Street, or public Carriageway was crossed or authorized to be crossed on the Level, nor to appoint any Person to watch or superintend the crossing thereat, nor shall they be liable to any Penalty for Failure so to do, anything in any Act relating to such Railway to the contrary thereof notwithstanding.

Where Bridge constructed, Station or Lodge not to be required.

III. If any Railway Company think themselves aggrieved by any Order made by the Board of Trade under the Provisions herein-before contained, it shall be lawful for such Company, within Six Weeks next after the Date of such Order, to appeal from such Order to Her Majesty in Council, and such Appeal shall be heard before the Judicial Committee of the Privy Council, and shall be proceeded in in the Manner and Form provided by the several Acts of Parliament relating to the said Judicial Committee with respect to the Hearing and Determination of Appeals and other Matters referred by Her Majesty to the said Judicial Committee; and it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, after receiving the Report or Recommendation of the said Judicial Committee in the Matter of any such Appeal, either to confirm or disallow the Order made by the Board of Trade as aforesaid, or to make such other Order in the Premises as shall be just; and any Order made by Her Majesty in Council as aforesaid may be enforced by the same Means as are herein-before provided with respect to the Orders of the Board of Trade: Provided always, that pending any such Appeal as aforesaid, and until the same shall be determined, no Proceedings for the Recovery of the Penalties herein-before provided or otherwise for enforcing the Order which is the Subject of Appeal shall be taken against the Company prosecuting such Appeal.

Appeal against the Order of the Board of Trade.

IV. And whereas in certain Cases it may be reasonable that the whole of the Expense of the Works ordered to be executed at a Crossing of a Turnpike Road, Street, or public Highway, under the Provisions herein-before contained, should not be borne by the Railway Company, but that Part thereof should be defrayed by other Parties who may be willing to contribute towards the same, either in Money or by providing Land required for the Construction of the said Works: Be it enacted, That where any Order shall be made by the Board of Trade for the Execution by any Railway Company of any such Works as aforesaid, it shall be lawful for the said Board in and by the said Order to direct that the said Company shall execute

Contribution to the Expense of a Bridge or other Works at level Crossings.

execute the said Works, if a certain Sum of Money specified in the said Order shall first be paid or secured to be paid to the said Company, or if certain Land mentioned in the said Order shall first be conveyed or agreed to be conveyed to the said Company, or otherwise provided by the Parties named in the said Order; and where any such Order shall be made subject to such Condition the said Company shall not be obliged to execute the said Works, nor shall be liable to any Penalty for their Omission to execute the same, unless the said Sum of Money shall have been paid or secured to be paid, or the said Land conveyed or agreed to be conveyed, to the Company, or otherwise provided according to the Terms of the said Order; and it shall be lawful for the Trustees, Commissioners, Surveyor, or other Person having the Management of the said Turnpike Road, Street, or public Highway, out of any Monies under their or his Control which may be applicable to the Purposes of the Repair or Improvement of the said Road, Street, or Highway, to contribute and apply such Sum of Money as the said Trustees, Commissioners, Surveyor, or other Person may think advisable, and as shall be specified in the Order of the Board of Trade, in or towards the Payment of the Expense of any such Works as aforesaid.

Level Crossing not to be used by Foot Passengers if a Footbridge be provided.

V. If the Board of Trade, in exercise of the Powers herein-before contained, order any Railway Company to erect at or near or in lieu of any such level Crossing of a Turnpike Road or other public Highway as aforesaid a Footbridge or Footbridges over their Railway for the Purpose of enabling Persons passing on Foot along the said Turnpike Road or public Highway to cross the said Railway by means of such Bridge or Bridges, then and in any such Case from and after the Completion of such Footbridge or Footbridges as shall be so required to be erected, and while the said Company keep the same in good and sufficient Repair, the said level Crossing shall not be used by Foot Passengers on the said Turnpike Road or public Highway, except during the Time when the same shall be used for the Passage of Carriages, Carts, Horses, or Cattle along the said Road.

Civil Liability of Companies extended to Misfeasances of their Servants.

VI. Every Railway Company shall be civilly responsible, not merely for all Neglects, but also for all Trespasses and other Misfeasances of their Officers and Servants, or Wrongs or Injuries committed by them, in carrying into effect the Regulations of the Company, or in the course of the Performance of the Duties of such Officers and Servants.

Railway Servants who leave

VII. If any Person, having entered into the Service of any Railway Company as Engine Driver, Guard, Stoker, Fireman, Signalman, Switchman,

Switchman, Porter, or Plate-layer, or in any other Employment or Capacity connected with the working of the Railway, or the Traffic thereon, or the Maintenance or Repair of the Permanent Way and Works or Rolling Stock thereof, shall absent himself from his said Service before the Time for which he agreed to serve has expired, without the Permission of some Officer of such Company duly authorized in that Behalf, and without having given to such Company, or the Directors or other proper Officer thereof, such Notice of his Intention so to do as by the Terms of his Engagement in such Service he may be required to give, then and in every such Case it shall be lawful for any Justice of the Peace, and such Justice is hereby authorized and empowered, upon Complaint thereof made to him by any of the Directors or other Officers of the said Company, to examine into the Matter of such Complaint, and to proceed therein in a summary Way; and if it appear to such Justice that such Person has absented himself from his said Service without just Cause, such Person shall, in the Discretion of such Justice, forfeit to Her Majesty any Sum not exceeding Ten Pounds, and in default of Payment thereof shall or may be imprisoned for any Term not exceeding Two Months, unless the Sum adjudged to be paid, and also the Costs and Charges of taking and conveying such Person to Prison, if such Justice shall think fit so to order, shall be sooner paid.

the Company's Service without Notice liable to Fine or Imprisonment.

VIII. Notwithstanding anything contained in the Act of the Fifth and Sixth Years of Her present Majesty, Chapter Fifty-five, and the Act of the Seventh and Eighth Years of Her present Majesty, Chapter Eighty-five, the Words "Passenger Railway" in those Acts respectively, and in all Acts relating to Railways, shall be construed to extend to and include every Railway upon which any Passengers are conveyed for Hire in Carriages drawn or impelled by the Power of Steam or other mechanical Power, whatever may be the Proportion which the Receipts derived from the Conveyance of Passengers on such Railway may bear to the Receipts from other Traffic thereon; and the Words "Passenger Railway Companies" in the said Acts shall be construed to extend to and include the Proprietors for the Time being of any such Railway, and their Lessees, whether a Body Corporate or Individuals, and any Company working any such Railway under the Authority of any Act of Parliament; provided that anything herein-before contained shall not in anywise alter or affect any Liability incurred, or Exemption which may or might have been claimed, under the said Acts or any of them, by any Company or Person, in respect of any Act done or omitted to be done before the passing of this Act.

Defining the Words "Passenger Railway" in the Acts relating to Railways.

Interpretation: "Railway Company:" "Board of Trade."

IX. In the Construction of this Act the Expression "Railway Company" shall include any Person being the Owner or Lessee of or Contractor working any Railway constructed or carried on under the Powers of any Act of Parliament; and the Expression of "Board of Trade" shall mean the Lords of the Committee of Privy Council for Trade and Foreign Plantations.

Short Title.

X. This Act may be cited for all Purposes as "The Accidents on Railways Act, 1855."

Accidents on Railways.

A

B I L L

INTITULED

An Act for the better Prevention of Accidents on Railways.

(*Brought from the Lords* 11 *July* 1855.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1855.

[Bill 242.]

Under 1 *oz.*

25

7 *June* 1855. 18 Vict.

A

BILL

TO

Alter the Mode of amending Acts of Parliament.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS the Consolidation under One Head of all Acts of Parliament relating to one and the same Subject Matter will greatly advance the Administration of Justice, and it is therefore desirable that such Changes in the Mode of introducing Amendments of Acts shall be made as will facilitate the said Consolidation for the future, and sustain it where effected: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

All Bills to be exhibited and passed in manner herein-after directed.

I. That from and after the *End of this Session* all Bills in Parliament for amending or explaining any Act of Parliament which it is not intended wholly to repeal shall be exhibited and passed in the Manner herein-after directed, and not otherwise.

The Mode and Form of future Bills.

II. Every such Bill shall specify every Act, and the Sections or other Divisions of the said Act, which it is intended thereby to alter or add unto, and shall set forth the Sections or other Divisions or Parts of Sections or Divisions, if any, which it is proposed by such Bill to enact in the Place of or in addition to any such Act, or any Section or Division thereof; and every such Bill may be in the Form or to the Effect following; that is to say,

'A Bill to amend a certain Act [or certain Acts] of Parliament
'relating to [stating the Subject Matter of the Act or Acts].

'BE it enacted by the Queen's most Excellent Majesty, by and
'with the Advice and Consent of the Lords Spiritual and
'Temporal, and Commons, in this present Parliament assembled, and
'by the Authority of the same, That the Act of the Parliament of
'the United Kingdom [or of Great Britain, or of England, or of
'Scotland, or of Ireland,] passed in the Year of the
'Reign of Chapter
'relating to [the Subject Matter of such Act], shall be amended
'in the Manner following; that is to say:

'By omitting Sections [enumerating them] of the said Act:

'By omitting so much of Section of the said Act as is
'comprised between the Words [Words] and the Words
'[Words] in the said Section:

'By omitting Section of the said Act, and inserting in
'the Place thereof the following Section; namely, [specifying
'the Number of the proposed Section, and setting the said
'Section forth in Words]:

'By inserting after Section of the said Act the following
'new Section [or Sections]; namely, [specifying the Number
'of each such new Section, and setting it forth in Words]:

'And by re-enacting the said Act as so amended, to come into force
'from and after the End of this Session of Parliament [or at
'such other Period as may be deemed convenient].

Mode of promulgating the amended Act.

III. Whenever any Act shall have been passed under the Authority of the foregoing Provisions, all Amendments or Alterations thereby directed to be made in any Act or Acts in the said first-mentioned Act specified shall be made accordingly; and the numbering of the Sections of any such Act or Acts respectively as amended or altered shall proceed therein from Number One to the last Number progressively; and so soon as any such Act shall have been so amended or altered and so numbered as aforesaid the same shall be forthwith enrolled, printed, and promulgated under public Authority in the Stead of the original Act, and shall bear even Date with the Act directing the said Amendments or Alterations.

The amending Act shall not be printed.

IV. After such Amendments or Alterations shall have been made in the Manner aforesaid the Office of the Act directing them shall be exhausted, and the same Act shall for ever thereafter be deemed to have expired, and it shall not be necessary to print or promulgate the same, or to reprint the said original Act.

Acts of Parliament amending.

A

BILL

To alter the Mode of amending Acts of Parliament.

(*Prepared and brought in by Mr. Locke King, Mr. Watson, and Mr. Montagu Chambers.*)

Ordered, by The House of Commons, *to be Printed,* 7 *June* 1855.

[Bill 164.]

Under 1 *oz.*

19 *June* 1855. 18 Vict.

A

B I L L

INTITULED

An Act to enable British Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts.

WHEREAS by an Act of the Sixth Year of King George the Fourth, Chapter Eighty-seven, Powers are given to British Consuls General and Consuls to administer Oaths and do Notarial Acts in the Foreign Places to which they are appointed, and it is expedient that the like Powers should be given to Ambassadors and other Diplomatic Agents and to Vice-Consuls and Consular Agents Abroad: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 6 G. 4. c. 87.

I. From and after the passing of this Act, it shall and may be lawful for every British Ambassador, Envoy, Minister, Chargé d'Affaires, or Secretary of Embassy or of Legation exercising his Functions in any Foreign Country, and for every British Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent (as well as every Consul General or Consul) exercising his Functions in any Foreign Place, whenever he shall be thereto required, and whenever he shall see necessary, to administer in such Foreign Country or Place any Oath or to take any Affidavit or Affirmation from any

Oaths may be administered by Ambassadors and other British Ministers Abroad.

Person whomsoever, and also to do and perform in such Foreign Country or Place all and every Notarial Acts or Act which any Notary Public could or might be required and is by Law empowered to do within the United Kingdom of Great Britain and Ireland; and every such Oath, Affidavit, or Affirmation, and every such Notarial Act, administered, sworn, affirmed, had, or done by or before such Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or of Legation, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent, shall be as good, valid, and effectual, and shall be of like Force and Effect, to all Intents and Purposes, as if such Oath, Affidavit, or Affirmation, or Notarial Act, respectively, had been administered, sworn, affirmed, had, or done before any Justice of the Peace or Notary Public in any Part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent Authority of the like Nature.

Affidavits taken before Ambassadors, &c. abroad may be used in Courts in the United Kingdom.

II. Affidavits and Affirmations so taken as aforesaid under the said Act of King George the Fourth or this Act shall and may be received, read, and made use of in and before any Court of Law or Equity or other Judicature whatever in any Part of the United Kingdom, and the Judges and Officers thereof, in or in relation to any Action, Suit, Cause, Matter, or Proceeding in or before any such Court or Judicature in like Manner and shall be of the same Force and Effect as Affidavits and Affirmations taken in or before such Court or Judicature, or by any Person duly commissioned or authorized by such Court or Judicature to take such Affidavits or Affirmations, and shall be filed and dealt with accordingly.

Documents to be admitted in Evidence without Proof of the Seal or Signature of the Ambassador or other official Person.

III. Any Document purporting to have affixed, impressed, or subscribed thereon or thereto the Seal and Signature of any British Ambassador, Envoy, Minister, Chargé d'Affaires, Secretary of Embassy or of Legation, Consul General, Consul, Vice-Consul, Acting Consul, Pro-Consul, or Consular Agent, in testimony of any such Oath, Affidavit, Affirmation, or Act having been administered, sworn, affirmed, had, or done by or before him, shall be admitted in Evidence, without Proof of any such Seal and Signature being the Seal and Signature of the Person whose Seal and Signature the same purport to be, or of the official Character of such Person.

Persons swearing or affirming falsely guilty of Perjury.

IV. Any Person knowingly and wilfully making any false Oath, Affidavit, or Affirmation before any Person having Authority to administer such Oath or take such Affidavit or Affirmation under the said Act of King George the Fourth or this Act, shall be deemed guilty of Perjury, and such Offender may be charged, proceeded against, tried, and dealt with in any County or Place in the United Kingdom

Kingdom in the same Manner in all respects as if the Offence had been committed in such County or Place.

Persons forging Seal or Signature guilty of Felony.

V. If any Person shall forge any such Seal or Signature as aforesaid, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person for such Period, and subject to such Conditions, as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Administration of Oaths Abroad.

A

BILL

INTITULED

An Act to enable British Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts.

(*Brought from the Lords* 18 *June* 1855.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1855.

[Bill 178.]

Under 1 *oz.*

26 *March* 1855. 18 Vict.

(Scotland.)

A

B I L L

TO

Allow Affirmations or Declarations to be made instead of Oaths in certain Cases in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Affirmation instead of Oath in certain Cases.

I. If any Person called as a Witness in any Court in Scotland, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge or other presiding Officer or Person qualified to take Affidavits or Depositions, on being satisfied of the Sincerity of such Objection, to permit such Person instead of being sworn to make his or her solemn Affirmation or Declaration in the Words following, videlicet,

'I A.B., do solemnly, sincerely, and truly affirm and declare that the taking of any Oath is according to my religious Belief unlawful; and I do solemnly, sincerely, and truly affirm and declare, &c.'

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

II. If

Persons making a false Affirmation to be subject to the same Punishment as for Perjury.

II. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which if the same had been sworn in the usual Form would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Short Title.

III. This Act may be cited as the "Affirmations (Scotland) Act, 1855."

Affirmations.

(Scotland.)

A

BILL

To allow Affirmations or Declarations to be made instead of Oaths in certain Cases in Scotland.

(*Prepared and brought in by Mr. Craufurd, Sir James Anderson, and Mr. Dunlop.*)

Ordered, by The House of Commons, *to be Printed*, 26 *March* 1855.

[Bill 66.]

Under 1 *oz.*

10 *May* 1855. 18 Vict.

A

B I L L

TO

Continue an Act of the Thirteenth and Fourteenth Years of Her present Majesty, for enabling the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act of the Thirteenth and Fourteenth Years of Her present Majesty Queen Victoria, intituled "An Act to enable the Judges of the Courts of Common "Law at Westminster to alter the Forms of Pleading," Powers were given to the Judges of the Superior Courts of Common Law at Westminster, within Five Years from the passing of that Act, to make such Alterations in the Mode of Pleading in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and in the Time and Manner of objecting to Errors in Pleadings and other Proceedings, and in the Mode of verifying Pleas and obtaining final Judgment, without Trial in certain Cases, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect the said Alterations, as to them may seem expedient: And whereas the said Powers so by the said Act conferred are about to expire, and it is desirable

Preamble.

13 & 14 Vict. c. 16.

that

that the same should be further prolonged: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Powers conferred by the said herein-before recited Act on the Judges of the said Superior Courts of Common Law at Westminster shall be continued for a Period of *Five* Years from the passing of this Act, subject always to the Provisions and Conditions in the said recited Act contained as to any Rules, Orders, and Regulations which may be made by the said Judges under and by virtue of the said Powers.

Powers conferred by the recited Act on Judges of Superior Courts of Common Law at Westminster continued.

Alterations in Pleadings.

A

BILL

To continue an Act of the Thirteenth and Fourteenth Years of Her present Majesty, for enabling the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.

(*Prepared and brought in by Mr. Attorney General and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1855.

[Bill 116.]

Under 1 *oz.*

A

BILL

TO

Repeal the Stamp Duty on Orders for Army Prize Money.

WHEREAS by an Act passed in the Second Year of His late Majesty King William the Fourth, Chapter Fifty-three, intituled "An Act for consolidating and amending "the Laws relating to Army Prize Money," it was, amongst other Things, enacted, with respect to Prize Money due or to become due to Non-commissioned Officers or Soldiers, that upon every Order made in England for the Payment of Prize or Bounty Money, or Money upon Grants, (except where the Sum to be paid should not amount to Forty Shillings, which is thereby exempted from Duty,) a Stamp Duty of One Shilling and no more should be payable to His Majesty: And whereas by an Act passed in the Parliament of the Third and Fourth Years of His late Majesty King William the Fourth, Chapter Twenty-nine, it was enacted that all Orders made by Non-commissioned Officers and Soldiers for the Payment of Prize Money executed in any Part of the United Kingdom for Sums not exceeding Forty Shillings should be exempt from Stamp Duty, and for Sums exceeding Forty Shillings should be subject to a Stamp Duty of One Shilling only: And whereas such Orders are required to be drawn according to the Forms contained in the Schedule to the Preamble.

 first-

Repeal of Stamp Duty.

first-recited Act: Be it hereby enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Orders as aforesaid shall be and the same are hereby exempted from all Stamp Duties whatsoever.

Army Prize Money.

A

BILL

To repeal the Stamp Duty on Orders for Army Prize Money.

(*Prepared and brought in by Mr. Peel and Mr. Bouverie.*)

Ordered, by The House of Commons, *to be Printed,* 22 *June* 1855.

[Bill 192.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Act for limiting the Time of Service in the Army.

WHEREAS by an Act passed in the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-seven, "for limiting the Time of Service in the "Army," it was enacted, that no Person should be enlisted to serve Her Majesty, or in the Forces of the East India Company, as a Soldier, for a longer Term than Ten Years in the Infantry or Twelve Years in the Cavalry or Artillery, or other Ordnance Corps, to be reckoned from the Day on which the Recruit should have been attested, if he should have stated himself to be then of the Age of Eighteen Years, or if not, then from the Day on which he would complete the Age of Eighteen Years, to be reckoned according to the Age stated in his Attestation: And it was thereby also enacted, that any Soldier at any Time during the last Six Months of the Term of limited Service for which he should have been first engaged, or after the Completion of such Term, might, if approved by his Commanding Officer or other competent military Authority as a fit Person to continue in Her Majesty's Service or in the Service of the East India Company as a Soldier, be re-engaged to serve for the further Term of Eleven Years in the Infantry and Twelve Years in the Cavalry or Artillery, or other Ordnance Corps; and that any

10 & 11 Vict. c. 37.

 Soldier

Soldier who should be ordered on Foreign Service and who was within Three Years of the Expiration of his First Engagement, should be at Liberty, with the Approbation of his Commanding Officer, to re-engage before he embarked for such Foreign Service for such Period as should complete a total Service of Twenty-one Years in the Infantry or Twenty-four Years in the Cavalry or Artillery: And whereas by an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Seventy-three, "to "limit the Enlistment in the Artillery and other Ordnance Corps," it was enacted, that during the last Six Months of the Term of limited Service for which a Soldier should have first engaged to serve in the Artillery or other Ordnance Corps, or after the Completion of such Term, he might, if approved by his Commanding Officer or other competent military Authority as a fit Person to continue in Her Majesty's Service as a Soldier, be re-engaged to serve for the further Term of Nine Years: And whereas by Reason of Directions contained in Schedules to the said first-recited Act, for filling up Blanks in the Forms of Questions to be put to Recruits on enlisting, it is apprehended that it may not be lawful to enlist Persons to serve as Soldiers for lesser Terms than the said Terms of Ten Years and Twelve Years respectively: And whereas it is expedient that Her Majesty should be enabled to permit Enlistment for such lesser Terms, and to authorize Soldiers to re-engage for any Terms within the Limits of Service prescribed by the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

12 & 13 Vict. c. 73.

Lesser Terms for Enlistment and Re-engagement of Soldiers may be prescribed by Her Majesty in Council.

I. For Three Years after the passing of this Act any Person may be enlisted to serve Her Majesty, or in the Forces of the East India Company, as a Soldier, for any such Term, not exceeding Ten Years in the Infantry or Twelve Years in the Cavalry or Artillery, or other Ordnance Corps (to be reckoned as provided in the said first-mentioned Act), as may be authorized by any Order or Orders of Her Majesty in Council in this Behalf; and any Soldier may, subject to such Approbation as in the said Acts mentioned, re-engage for such Term as may by such Order or Orders in Council be authorized; provided the Term for which he is so engaged, with the Term of his Service under his First Enlistment, do not exceed the Period of Twenty-one Years in the Infantry or Artillery, or other Ordnance Corps, or Twenty-four Years in the Cavalry; and the Forms of Questions on Enlistment in Schedule A. to the said first-mentioned Act, and the Form of Declaration in Schedule B. to such Act, may, when the Occasion

Occasion requires, be filled up with such Term or Number of Years as may be authorized by such Order or Orders, instead of the Term or Number of Years mentioned in the Directions contained in such Schedules.

II. The said Acts of the Tenth and Eleventh Years and Twelfth and Thirteenth Years of Her Majesty, and this Act, shall be read and construed together as One Act. Recited Acts and this Act to be read together.

Army Service Act Amendment.

A

B I L L

INTITULED

An Act to amend the Act for limiting the Time of Service in the Army.

(*Brought from the Lords* 20 *February* 1855.)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1855.

[Bill 25.]

Under 1 *oz.*

6 *June* 1855. 18 Vict.

A

BILL

TO

Abolish the Offices for assaying and marking wrought Plate at the Cities of York, Exeter, and Chester, and the Town of Newcastle-upon-Tyne.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of King William the Third, Chapter Four, the Cities of York, Exeter, Bristol, Chester, and Norwich were appointed for the assaying and marking of wrought Plate, and for executing the Powers, Authorities, and Directions given by that Act, and the Goldsmiths, Silversmiths, and Plate Workers who were or should be Freemen of and inhabiting within any of such Cities, and having served Apprenticeship to the Trade of a Goldsmith, Silversmith, or Plateworker, were incorporated a Company of or belonging to such City, to be called the Company of Goldsmiths of such City, with Power to elect Officers for the Purposes of the said Act; and every Goldsmith, Silversmith, or Plateworker in any of the said Cities, or in any other Town or Place where an Assayer was not or should not be appointed, was by the said Act required, before he should exercise his Trade, to enter his Name and his Mark and Place of Abode with the Wardens of such Company of that City or Place where an Assayer was or should

Preamble.

12 & 13 W. 3. c. 4.

should be appointed: And whereas by an Act passed in the First Year of the Reign of Queen Anne, intituled "An Act for continuing "the Act made in the Eighth Year of His late Majesty's Reign, for "better preventing the counterfeiting the current Coin of this "Kingdom," the Town of Newcastle-upon-Tyne was appointed for the assaying and marking of wrought Plate, and for executing the Powers, Authorities, and Directions of the said first-mentioned Act, as if the said Town had been named in the said first-mentioned Act: And whereas no such Company as aforesaid has been established under the said first-mentioned Act in either of the said Cities of Bristol or Norwich, and the Necessity for an Assay Office in the said other Cities of York, Exeter, and Chester, and the said Town of Newcastle-upon-Tyne, no longer exists, and it is expedient that the Assay Offices established therein respectively should be abolished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 W. 3. & 1 Anne, c. 9.

Cities and Town named herein not to be Places for assaying and marking Plate.

I. It shall not be lawful to establish any such Company as aforesaid in either of the said Cities of Bristol or Norwich; and from and after the *Day of* the said Cities of York, Exeter, and Chester, and the Town of Newcastle-upon-Tyne, shall cease to be Places for the assaying and marking of wrought Plate; and so much and such Parts of the aforesaid Acts, and of all other Acts relating to the assaying and marking of wrought Plate, shall thenceforth be and the same are hereby repealed, so far as the same relate to the assaying and marking of wrought Plate at any of the said Cities or at the Town aforesaid.

Not otherwise to alter the Laws relating to the assaying and marking of Plate.

II. Nothing in this Act shall be deemed or taken to alter or affect the Laws in force as to the assaying or marking of Gold or Silver Wares, except as is aforesaid expressly enacted; and every Maker or Worker of any such Wares who shall have entered his Name, Mark, and Place of Abode with the Wardens of the Company of any of the Cities or the Town aforesaid shall, before he shall continue to exercise his Trade, register his Name, Mark, and Place of Abode at some Assay Office or Offices, as required or allowed by the Act passed in the last Session of Parliament, Chapter Ninety-six.

Assay Offices (York, &c.) Abolition.

A

BILL

To abolish the Offices for assaying and marking wrought Plate at the Cities of York, Exeter, and Chester, and the Town of Newcastle-upon-Tyne.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 6 *June* 1855.

[Bill 159.]

Under 1 *oz.*

Assizes and Sessions Bill.

ARRANGEMENT OF CLAUSES.

Her Majesty in Council may order adjoining Counties to be united for the Purposes of this Act; Sect. 1.

Her Majesty in Council may order Counties of Cities to be united with the Counties surrounding them for the Purposes of this Act; 2.

Such Order to continue in force until revoked by Her Majesty in Council; 3.

When Counties are so united Commissions may be issued into either, or into the County at large; 4.

Prisoners in the Gaol of a County for which Commissions are not issued to be removed to the Gaol of the County for which Commissions are issued; 5.

When the Trial or Sentence of any Prisoner removed under the preceding Section is postponed the Court may remand the Prisoner to the Gaol from whence he was removed, to be there imprisoned till the next Assizes; 6.

Where Counties are united the Court may sentence Prisoners to be punished either in the County where they are convicted, or in that where the Offence was committed, and in the latter Case may order the Prisoners to be taken back to the County from whence they were removed; 7.

The Treasurer of the County in which any Offence is alleged to have been committed shall pay to the Treasurer of the Prison in which the Offender is confined the Expenses of his Maintenance, Imprisonment, &c.; [*Proposed to be inserted in Committee.*]

An Account of the Expenses of Prisoners to be delivered; [*Proposed to be inserted in Committee.*]

Any Disputes to be settled by Arbitration; [*Proposed to be inserted in Committee.*]

Arbitrating Barrister may state a special Case for the Opinion of any Common Law Court at Westminster, or raise any Question for such Court on his Award; [*Proposed to be inserted in Committee.*]

In case Barrister die, &c. before making his Award, another may be appointed; [*Proposed to be inserted in Committee.*]

Prisoners in the Gaol of a County of a City to be brought before the Court for the County at large for Trial, &c.; 8.

When the Trial or Sentence of any Prisoner removed under the preceding Section is postponed the Prisoner shall be taken back to the Gaol

Gaol from whence he was removed, and there imprisoned till the next Assizes; 9.

Prisoners convicted at the Assizes for a County at large of Offences committed in a City to be removed into the City and there punished; 10.

Prisoners while under Removal to be deemed in legal Custody; 11.

Inquisition, &c. to be returned to the proper Officer of the Court from the County for which no Commission is issued; 12.

Process may be issued against Persons at large on the finding of an Indictment against them, and Witnesses may be compelled to attend at the Trial, &c.; 13.

Costs of Prosecutions and Rewards may be ordered to be paid; [*Proposed to be inserted in Committee.*]

Courts held for One of Two or more adjoining Counties to have the same Authority as if held in each of such Counties; 14.

Offences which are triable in the County for which Commissions are not issued may be tried, &c. in the County for which Commissions are issued; 15.

Offences committed in a County of a City united with a County at large may be tried, &c. in such County at large; 16.

Form of Recognizance where Counties are united; 17.

Form of Recognizance where a County of a City is united with a County at large; 18.

Her Majesty in Council may make Rules for effecting the Purposes of this Act; 19.

Justices of the Peace and Recorders shall hold Four additional Sessions, unless the Home Secretary shall dispense with any of them; 20.

The Times of holding the additional Sessions to be fixed at the Epiphany Sessions; 21.

Justices of the Peace may determine that a legal Assistant Chairman with a Salary shall be appointed, and thereupon the Crown may appoint such an Assistant Chairman, who shall be a Justice of the Peace, and have the same Authority as Chairmen now have. No such Assistant Chairman to interfere in any Business relating to the County Rate, &c.; 22.

Justices of the Peace may determine that an Assistant Chairman is no longer necessary, and thereupon the Crown may cancel his Appointment; 23.

Assistant Chairman to take Oaths and make a Declaration before acting; 24.

Recorder of any City or Borough to have additional Salary when bound to hold additional Sessions; [*Proposed to be inserted in Committee.*]

A

B I L L

INTITULED

An Act for the more frequent holding of Assizes and Sessions of the Peace.

[Note.—*The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it would greatly contribute to the better Administration of Criminal Justice in England and Wales if Courts for the Trial of Persons charged with indictable Offences were more frequently held, and it is expedient to make proper Provision for that Purpose: And whereas Commissions of Oyer and Terminer and Gaol Delivery may lawfully be issued, as often as to Her Majesty may seem fit, into any County, but Persons charged with having committed indictable Offences in One County cannot lawfully be tried in any other County, and it may be expedient in certain Cases to authorize the Trial of such Persons in another County, and to make proper Provision for that Purpose: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Her Majesty in Council may order adjoining Counties to be united for the Purposes of this Act.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, whenever it shall seem fit, and from Time to Time, to order and direct any Two or more adjoining Counties to be united for the Purpose of trying in One of such Counties, at any Sessions of Oyer and Terminer and Gaol Delivery

Delivery other than the Sessions of Oyer and Terminer and Gaol Delivery usually holden in the Spring and Summer of every Year, any Persons who shall be charged with having committed any indictable Offences in the other or any of the other of such Counties.

Her Majesty in Council may order Counties of Cities to be united with the Counties surrounding them for the Purposes of this Act.

II. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, whenever it shall seem fit, and from Time to Time, to order and direct any County of a City situate within any County at large to be united with such County for the Purpose of trying in such County at large, at any Sessions of Oyer and Terminer and Gaol Delivery other than the Sessions of Oyer and Terminer and Gaol Delivery usually holden in the Spring and Summer of every Year, any Persons who shall be charged with having committed any indictable Offences in such County of a City.

Such Order to continue in force until revoked by Her Majesty in Council.

III. Whenever any such Order as is mentioned in the Two preceding Sections shall have been made, the same shall be and continue in full force until Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall revoke the same, and no longer.

When Counties are so united Commissions may be issued into either, or into the County at large.

IV. Whenever any adjoining Counties or any County of a City and County at large shall have been so united as aforesaid, it shall be lawful to issue Commissions of Oyer and Terminer and Gaol Delivery for any One of such adjoining Counties, or for such County at large alone, as the Case may be.

Prisoners in the Gaol of a County for which Commissions are not issued to be removed to the Gaol of the County for which Commissions are issued.

V. Whenever any adjoining Counties shall have been so united as aforesaid, and Commissions of Oyer and Terminer and Gaol Delivery shall have been issued for one and not for the other or others of such Counties, all Persons committed to any Gaol or House of Correction of the County or Counties for which such Commissions shall not have been issued, for any Offence not triable at the Court of Quarter Sessions, shall in due Time, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the Gaoler or Keeper of every such Gaol or House of Correction, with their Commitments and Detainers, to the Common Gaol of the adjoining County for which such Commissions shall be issued, in order that they may be tried under such Commissions, and such Removal shall not be deemed or taken to be an Escape.

When the Trial or Sentence of any Prisoner removed under the preceding

VI. Whenever any Court of Oyer and Terminer and Gaol Delivery shall postpone the Trial or Sentence of any Person so removed as in the last preceding Section is mentioned, or shall for any other Cause remand any such Person, it shall be lawful for such Court to order him to be delivered into the Custody of the Sheriff,

Sheriff, Gaoler, or other proper Officer of the County from which such Person shall have been removed, and such Sheriff, Gaoler, or other proper Officer is hereby commanded to receive into his Custody every such Person, and to remove him back to the Gaol or House of Correction for such County from whence he shall have been brought, and there to imprison him until he shall be discharged by due Course of Law.

Section is postponed the Court may remand the Prisoner to the Gaol from whence he was removed.

VII. Whenever any adjoining Counties shall have been so united as aforesaid, and any Person who shall have been charged with having committed any indictable Offence in One of such Counties, or who shall have been removed from or admitted to Bail in One of such Counties, shall be convicted at any Session of Oyer and Terminer and Gaol Delivery holden in the other or any other of such Counties, it shall be lawful for the Court before which any such Conviction shall have taken place, or, in case Sentence shall not then be passed, for the Court at any subsequent Sessions of Oyer and Terminer and Gaol Delivery for the same County, to order every such Convict to be punished according to Law, either within the County wherein such Conviction shall have taken place, or within the County wherein such Offence shall have been committed or supposed to have been committed, or from or in which such Convict shall have been removed or admitted to Bail; and in Cases where the Court shall order such Convict to be punished within such last-mentioned County it shall be lawful for the Court, after passing Sentence upon such Convict, to order him to be delivered into the Custody of the Sheriff, Gaoler, or other proper Officer of such last-mentioned County, and such Sheriff, Gaoler, or other proper Officer is hereby commanded to receive into his Custody every such Convict, and to remove him into such last-mentioned County, and there to execute the Sentence so passed upon him, in the same Manner as if he had been tried and received Sentence in such last-mentioned County.

Where Counties are united, the Court may sentence Prisoners to be punished either in the County where they are convicted, or in that where the Offence was committed, and in the latter Case may order the Prisoners to be taken back to the County from whence they were removed.

Where any adjoining Counties shall have been so united as aforesaid, and any Person who shall have been charged with having committed any indictable Offence shall have been removed to or confined in any Prison under any of the Provisions of this Act, the Treasurer of the County in which such Offence shall have been committed or supposed to have been committed, or from or in which such Person shall have been removed or admitted to Bail, shall pay or cause to be paid to the Treasurer of such Prison, or other Person appointed by the Justices of the Peace in General or Quarter Sessions assembled for the County in which such Prison is situated, the actual Expenses incurred in the Maintenance, safe Custody, Care, and Punishment of every such Prisoner, according to the Time for which each

The Treasurer of the County in which any Offence is alleged to have been committed shall pay to the Treasurer of the Prison in which the Offender is confined the Expenses of his Mainte-

nance, Imprisonment, &c.

each such Prisoner shall have been in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Prison, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the Prison shall from Time to Time determine, including in such Expenses all Salaries of Officers, all Expenses of Repairs, Alterations, Additions, and Improvements in or to the said Prison, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charge whatsoever on account of the Prisoners confined in such Prison; subject nevertheless to a proportional Share of all Deductions on account of the Earnings of the Prisoners in the said Prison, and of all Sums of Money received in aid of the Rates for the Maintenance of such Prison.

An Account of the Expenses of Prisoners to be delivered. 5 & 6 Vict. c. 98. s. 21.

An Account in Writing of the Expenses due and payable in respect of the Maintenance, safe Custody, Care, and Punishment of such Prisoners as in the last preceding Section mentioned shall be made out from Time to Time, and signed by the Clerk to the Visiting Justices of the Prison wherein such Prisoners shall have been confined and delivered to the Treasurer of the County in which such Prisoners shall have been charged with having committed indictable Offences, or from or in which such Prisoners shall have been removed or admitted to Bail, and such Account shall be conclusive against such County, unless some Objection thereto shall be made in Writing and signed by the Treasurer of such County, and delivered to the Clerk of such Visiting Justices within One Calendar Month after such Account shall have been delivered to such Treasurer.

Any Disputes to be settled by Arbitration. 5 Geo. 4. c. 85. s. 2.

In case any Difference shall arise concerning the said Account in the last preceding Section mentioned, it shall be lawful for the Justices of the Peace of either of such Counties to apply to the Justices of Assize of the last preceding Circuit, or of the next succeeding Circuit, or to one of such Justices, who shall, by Writing under their or his Hands or Hand, nominate a Barrister-at-Law, not having any Interest in the Question, to arbitrate between the Parties, and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him meet and necessary, and shall by his Award in Writing determine the Matter in dispute between the Parties, and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Arbitrating Barrister may state a

In any Case in which a Barrister-at-Law shall be named as in the preceding Section is mentioned to arbitrate between the Parties, such

such Barrister-at-Law, upon the Requisition in Writing of the Treasurer of the County, or of the Visiting Justices of the Prison, shall be empowered, if he shall think fit, before making his Award, to state One or more special Case or Cases touching any of the Matters referred to such Barrister-at-Law for the Opinion of such One of the Superior Courts of Common Law at Westminster as he shall direct, or to raise in any Award to be made by him any Question or Questions for the Opinion of such Court; and such Court shall hear and determine the Matter according to the Practice of the Court upon Special Cases, and make such Order as to the Costs, and by and to whom and in what Manner the same shall be paid or borne, as to such Court shall seem meet, and the Decision of the Court shall be binding on such Barrister in making his Award.

Special Case for the Opinion of any Common Law Court at Westminster or raise any Question for such Court on his Award. 7 & 8 Vict. c. 93. s. 1.

In case any Barrister who shall be named in pursuance of this Act shall die, or refuse to act, or be disabled from acting, either from ceasing to practise as a Barrister, or for any other Reason, before making his Award, another Barrister-at-Law may be named in like Manner as if no previous Appointment had been made; and the Barrister so newly named shall have the same Power and Authority to decide the Matters in difference, and for every other Purpose, as if no other Appointment had been made.

In case Barrister die, &c. before making his Award, another may be appointed. 7 & 8 Vict. c. 93. s. 2.

VIII. Whenever any County of a City and any County at large shall have been so united as aforesaid, and Commissions of Oyer and Terminer and Gaol Delivery shall have been issued for such County at large alone, all Persons committed to any Gaol or House of Correction of such County of a City for any Offence which might be dealt with, inquired of, tried, determined and punished in such County of a City shall, without Writ of Habeas Corpus or other Writ for that Purpose, be removed into and from the Courts holden under such Commissions, when and as often as it may be necessary, by the Gaoler or Keeper of such Gaol or House of Correction, with their Commitments and Detainers, in order that they may be tried, sentenced, or otherwise dealt with under such Commissions, and such Removal shall not be deemed to be an Escape.

Prisoners in the Gaol of a County of a City to be brought before the Court for the County at large for Trial, &c.

IX. Whenever any Court of Oyer and Terminer and Gaol Delivery shall postpone the Trial or Sentence of any Person so removed as in the last preceding Section is mentioned, or shall for any other Cause remand any such Person, the Gaoler or Keeper of the Gaol or House of Correction of such County of a City shall remove such Person to the Gaol or House of Correction from whence he shall have been brought, and shall there imprison him until he shall be discharged by due Course of Law.

When the Trial or Sentence of any Prisoner removed under the preceding Section is postponed the Prisoner shall be taken back to the Gaol from whence he was removed.

Prisoners convicted at the Assizes for a County at large of Offences committed in a City to be removed into the City, and there punished.

X. Whenever any Person shall receive Sentence at any Sessions of Oyer and Terminer and Gaol Delivery holden for any County at large for any Offence committed or supposed to have been committed in the County of a City so united as aforesaid with such County at large, the Gaoler or Keeper of the Gaol or House of Correction of such County of a City shall remove such Convict to such Gaol or House of Correction, and shall there execute the Sentence passed upon such Convict at such Sessions in the same Manner as if he had been tried and received Sentence in such County of a City.

Prisoners while under Removal to be deemed in legal Custody.

XI. Every Prisoner so removed as in any of the preceding Sections is mentioned shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he shall have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in any County Gaol or County to which he shall have been so removed, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding that he may, in effecting such Removal, have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County, to the Common Gaol or Court of which he has been removed, into or through any other Jurisdiction, County, Riding, or Division; and no Action or other Proceeding, civil or criminal, shall or may be maintained by such Prisoner or any other Person against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner shall have been removed, or against the Gaoler or Keeper of the Common Gaol of the County to which such Prisoner shall have been removed, or against any other Person, by reason or in consequence of any such Removal or Detainer of any such Prisoner, or by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of any such County of a City or Town, County, Riding, or Division from the Gaol or House of Correction of which such Prisoner shall have been removed, into any other Jurisdiction, or out of such County to the Common Gaol or Court of which he shall have been removed into or through any other County, Riding, or Division.

Inquisition, &c. to be returned to the proper Officer of the

XII. Where any Commissions of Oyer and Terminer and Gaol Delivery shall be issued for One only of Two or more adjoining Counties so united as aforesaid, or for a County at large alone, every Inquisition, Recognizance, Deposition, and Examination taken in

in the County or any of the Counties or the County of a City for which no such Commissions shall have been issued shall in due Time be returned to the proper Officer of the Court to be holden under such Commissions.

Court from the County for which no Commission is issued.

XIII. Whenever any Bill of Indictment shall have been found by any Grand Jury sitting under any Commissions of Oyer and Terminer and Gaol Delivery for One of Two or more adjoining Counties so united as aforesaid, or for a County at large so united as aforesaid with a County of a City, for any Offence committed or supposed to have been committed in the other or any of the other of such adjoining Counties, or in such County of a City, it shall be lawful for the Court holden under such Commissions to issue Process for apprehending any Person against whom such Bill shall be found, if not in Custody, and to compel the Attendance of Witnesses upon the Trial of such Indictment, in like Manner as in Cases of Indictments found in any such Court for Offences committed within the County for which such Commissions shall have been issued.

Process may be issued against Persons at large on the finding of an Indictment against them, and Witnesses may be compelled to attend at the Trial, &c.

Whenever any Court of Oyer and Terminer and Gaol Delivery shall be holden for any County to which any other County or Counties or County of a City shall have been so united as aforesaid, it shall be lawful for such Court to order the Expenses of the Prosecutor and Witnesses, and any other Expenses, and the several Rewards, payable in pursuance of any Statute made or to be made, to be paid by and to the same Persons and in the same Manner as if such Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the other or any of the other of such adjoining Counties or for such County of a City, as the Case may be; and in every such Case the Treasurer of every County for which no such Commissions shall have been issued, or some known Agent of such Treasurer, shall attend during the Sitting of such Court to pay all such Orders as shall be made upon such Treasurer.

Costs of Prosecutions and Rewards may be ordered to be paid

XIV. Whenever any Court of Oyer and Terminer and Gaol Delivery shall be holden for any County to which any other County or Counties or County of a City shall have been so united as aforesaid, such Court shall possess the same Power, Jurisdiction, and Authority, as to all Matters and Things whatsoever, as if it were holden in each and every such other County or Counties or County of a City so united as aforesaid, under Commissions of Oyer and Terminer and Gaol Delivery for the same respectively.

Courts held for One of Two or more adjoining Counties to have the same Authority as if held in each of such Counties.

XV. Whenever any adjoining Counties shall have been so united as aforesaid, and Commissions of Oyer and Terminer and Gaol Delivery

Offences which are triable in

the County for which Commissions are not issued, may be tried, &c. in the County for which Commissions are issued.

shall have been issued for one and not for the other or any of the other of such Counties, every Offence which might be dealt with, inquired of, tried, determined, and punished in the County or any of the Counties for which no such Commissions shall have been issued may be dealt with, inquired of, tried, determined, and punished in the County for which such Commissions shall have been issued, in the same Manner in all respects as if such Offence had been actually committed in such last-mentioned County.

Offences committed in a County of a City united with a County at large may be tried, &c. in such County at large.

XVI. Whenever Commissions of Oyer and Terminer and Gaol Delivery shall have been issued for a County at large, but not for the County of a City so united with the same as aforesaid, every Offence which might have been dealt with, inquired of, tried, determined, and punished in such County of a City may be dealt with, inquired of, tried, determined, and punished in such County at large in the same Manner in all respects as if such Offence had been actually committed in such County at large.

Form of Recognizance where Counties are united.

XVII. Whenever any adjoining Counties shall have been so united as aforesaid, the Recognizance of every Prosecutor, Witness, Surety, and accused Person, in the Case of any Offence triable in any or either of such Counties, and not triable at the Court of Quarter Sessions, shall be taken on Condition that such Prosecutor, Witness, or accused Person shall appear at the next Sessions of Oyer and Terminer and Gaol Delivery at which such accused Person may lawfully be tried.

Form of Recognizance where a County of a City is united with a County at large.

XVIII. Whenever any County of a City shall have been so united as aforesaid with a County at large the Recognizance of every Prosecutor, Witness, Surety, and accused Person, in the Case of any Offence triable in such County of a City, and not triable at the Court of Quarter Sessions, shall be taken on Condition that such Prosecutor, Witness, or accused Person shall appear at the next Sessions of Oyer and Terminer and Gaol Delivery at which such accused Person may lawfully be tried.

Her Majesty in Council may make Rules for effecting the Purposes of this Act.

XIX. Whenever any Counties, or any County of a City and County at large, shall have been so united as aforesaid, it shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the Venue in all Cases pending at the Time of the uniting of such Counties, or thereafter to be pending and to be tried within One of such adjoining Counties, or such County at large, and touching the Use of any House of Correction or Prison as a Common Gaol, and the Government and keeping thereof for the Purposes

Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the London Gazette, or in such other Manner as Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall think fit to direct.

Justices of the Peace and Recorders shall hold Four additional Sessions, unless the Home Secretary shall dispense with any of them.

XX. The Justices of the Peace for every County, Riding, Division, Liberty, Franchise, District, and Place, and the Recorder of every City and Borough, shall, in addition to their Four Quarter Sessions, hold Four General Sessions of the Peace in every Year at the least, unless Her Majesty's Principal Secretary of State for the Home Department shall, by Writing under his Hand, in case from the Smallness of the Number of Prisoners it shall seem to him expedient so to do, dispense with the holding of any One or more of such additional Sessions: Provided that it shall be lawful for such Secretary of State, at any Time when it shall seem expedient to him so to do, to recall such Dispensation, and afterwards to grant a fresh Dispensation, as to all or any of such additional Sessions.

The Times of holding the additional Sessions to be fixed at the preceding Sessions.

XXI. The Justices of the Peace for every County, Riding, Division, Liberty, Franchise, District, and Place, and the Recorders of every City and Borough, shall hold such additional Sessions in such a Manner that the respective Sessions of the Peace and the Assizes may be holden at Times as nearly as may be equally distant from each other, and for that Purpose shall appoint the Time for holding each additional Sessions at the preceding Quarter Sessions: Provided that nothing herein contained shall prevent the Justices of the Peace and Recorders from adjourning any Quarter, General, or Additional Sessions to any Time that to them shall seem expedient.

Justices of the Peace may determine that a legal Assistant Chairman with a Salary shall be appointed, and thereupon the Crown may appoint such an Assistant Chairman, who shall be a Justice of the Peace

XXII. It shall be lawful for the Justices of the Peace for any County, Riding, Liberty, Franchise, Division, District, or Place, from Time to Time, at any Quarter Sessions, Notice having been given in open Court at the preceding Quarter Sessions that a Motion will be made for that Purpose, to determine that a Barrister-at-Law shall be appointed who shall be Assistant Chairman of all or so many of the Sessions to be holden in each Year as such Justices shall think fit; and the Justices at such Sessions shall determine the Salary which they are willing to pay to such Assistant Chairman; and thereupon it shall be lawful for Her Majesty, if She shall see fit, to appoint a fit Person, being a Barrister-at-Law of not less than Ten Years standing, to be Assistant Chairman of all or so many

and have the same Authority as Chairmen now have.

many of such Sessions as shall have been so determined, and who shall hold such Office during his good Behaviour, subject as after mentioned, and upon any Vacancy in any such Office to appoint another fit Person, being a Barrister-at-Law of not less than Ten Years standing, to be the Assistant Chairman in the Place of the Person so making such Vacancy; and such Assistant Chairman for the Time being shall be a Justice of the Peace of and for the County, Riding, Liberty, Franchise, Division, District, or Place for which he shall be appointed, although he may not have such Qualification by Estate as is required by Law in the Case of any other Person being a Justice of the Peace for such County, Riding, Liberty, Franchise, Division, District, or Place; and in such Case it shall be lawful for Her Majesty to direct that an annual Salary, not exceeding the Sum so determined by the said Justices, shall be paid to such Assistant Chairman out of the Funds of such County, Riding, Division, or District, by the Treasurer of the same; and every such Assistant Chairman shall in all respects, except as herein-after mentioned, have the same Power and Authority as any Chairman of any Sessions of the Peace elected by his fellow Justices now has, and no greater: Provided, that in case of Sickness or unavoidable Absence such Assistant Chairman shall be empowered, under his Hand and Seal, to appoint a Deputy Assistant Chairman, being a Barrister of not less than Ten Years standing, to act for him at the Sessions of the Peace then next ensuing, and no longer or otherwise: Provided always, that no Appointment of an Assistant Chairman shall take place unless Two Thirds of the Justices present when such Appointment is proposed shall vote for the same: Provided also, that no such Assistant Chairman shall have Power to take any Part in the Assessment, Application, or Management of the County Stock or Rate, or of any Fund or Funds used or applied in aid thereof or contributary thereto, or in any Matter or Thing whereby or in respect whereof the said County Stock or Rate is or may be chargeable by Law, which by any Statute or Statutes now in force the Justices of the Peace are authorized and directed to do and transact at the General or Quarter Sessions or at any Adjournment thereof, or in the granting any Licence or Authority to any Person to keep an Inn, Alehouse, or Victualling House, or to sell exciseable Liquors, or in the Appointment or Removal of any Officer.

No such Assistant Chairman to interfere in any Business relating to the County Rate, &c.

Justices of the Peace may determine that an Assistant Chairman is no longer necessary,

XXIII. It shall be lawful for the Justices of the Peace for any County, Riding, Division, Liberty, Franchise, District, or Place for which any Barrister-at-Law shall have been appointed Assistant Chairman, under the Provisions of this Act, at any Quarter Sessions, Notice having been given in open Court at the preceding Quarter Sessions that a Motion will be made for that Purpose, to determine that

that it is no longer necessary or expedient that an Assistant Chairman should be continued; and such Determination, with the Reasons for the same, shall be certified in Writing to Her Majesty's Principal Secretary of State for the Home Department, and thereupon it shall be lawful for Her Majesty, if She shall think fit, to declare that the Office of Assistant Chairman shall cease.

and thereupon the Crown may cancel his Appointment.

XXIV. No such Assistant Chairman shall be capable of acting as Assistant Chairman until he shall have taken the Oaths or made the Affirmations provided to be taken or made by Justices of the Peace, except the Oath or Affirmation as to Qualification by Estate, and until he shall have made before Two or more of his fellow Justices (who are hereby authorized and required to administer the same) a Declaration in the following Form; that is to say,

Assistant Chairman to take Oaths and make a Declaration before acting.

'I *A.B.* do hereby declare, That I will faithfully and impartially execute the Office of Assistant Chairman and Justice of the Peace for the County [Riding, *&c.*] of according to the best of my Judgment and Ability.'

Whenever any Recorder of any City or Borough shall become bound to hold additional Sessions under the Provisions of this Act, it shall be lawful for Her Majesty to direct that such an additional Salary as to Her Majesty shall seem meet, not exceeding Two Thirds of the Amount of the Salary heretofore paid to such Recorder, shall be paid to him by the Treasurer of such City or Borough out of the Borough Fund, and such additional Salary shall thenceforth become payable accordingly.

Recorder of any City or Borough to have additional Salary when bound to hold additional Sessions.

Assizes and Sessions.

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B I L L

INTITULED

An Act for the more frequent holding of Assizes and Sessions of the Peace.

(*Brought from the Lords* 9 *July* 1855.)

Ordered, by The House of Commons, *to be Printed*, 9 *July* 1855.

[Bill 233.]

Under 2 oz.

Bankruptcy (Ireland) Bill.

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16 *May* 1855. 18 Vict.

(Ireland.)

A

BILL

TO

Amend and consolidate the Law of Bankruptcy in Ireland.

[Note.—The Clauses and Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

General Provisions.

WHEREAS it is expedient to amend and consolidate the Law of Bankruptcy in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Acts and Parts of Acts repealed.

I. From and after the *Commencement of this Act* the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Act or Parts of Acts are by such Schedule expressed to be repealed, and all Rules made in pursuance of such Acts and Parts of Acts, and every other Act or Acts as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting any Proceedings taken or to be taken under and after the Commencement of this Act upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before

the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Short Title.

II. This Act may be cited as "The Irish Bankrupt Law Consolidation Act, 1855."

Act to commence on 1st January 1856.

Commission abolished, and all Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act.
12 & 13 Vict. c. 106. s. 4.

III. This Act shall commence on and from the *First Day of January One thousand eight hundred and fifty-six:* After the *Commencement of this Act,* no Commission of Bankruptcy shall be issued, but all Proceedings in Bankruptcy, or to found an Act of Bankruptcy, shall be taken, and Proceedings for Arrangement between Debtors being Traders liable to become bankrupt and Creditors may be taken, according to the Provisions of this Act: All Commissions of and Proceedings in Bankruptcy and Proceedings for such Arrangement depending on the *First Day of January One thousand eight hundred and fifty-six* shall be carried on and prosecuted under the Proceedings of this Act: But nothing in this Act contained shall render invalid any Proceedings in Bankruptcy, or any Commission of Bankruptcy, or any Petition for Arrangement, depending on the *First Day of January One thousand eight hundred and fifty-six,* or any Proceedings which may have been taken under such Bankruptcy Commission or Petition, or affect any Right or Remedy which any Person may have by virtue thereof, or affect any Right or Remedy which any Person may have against any Bankrupt against whom any Commission shall have been issued, or against any such Trader who shall have presented such Petition, except as in this Act is hereafter specially provided.

In construing former Acts, &c. with reference to Petition for Adjudication under this Act, Commission to be deemed to have issued at the Time of filing Petition.
12 & 13 Vict. c. 106. s. 5.

IV. Wherever in any Act of Parliament or otherwise Mention shall before the Commencement of this Act have been made of any Commission of Bankruptcy, such Mention shall be construed with reference to the Proceedings under a Petition for Adjudication of Bankruptcy, as if such Commission had been actually issued at the Time of filing such Petition.

Constitution of the Court, &c.

And with respect to the Court and the Jurisdiction thereof, be it enacted as follows:

Court of Bankruptcy created.

V. The present Commissioners of Bankrupt in Ireland shall be Commissioners for the Purposes of this Act as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy."

Appointment of Commissioners.
6 & 7 W. 4. c. 14. s. 3.
1 Vict. c. 48.

VI. There shall be *Two* Commissioners of Bankrupt in Ireland: Upon a Vacancy in the Office of Commissioner of Bankrupt, it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of Ireland, to appoint any Person being a Bar-

a Barrister-at-Law of not less than *Ten* Years standing to fill such Vacancy; and every such Commissioner shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon an Address in that Behalf from both Houses of Parliament

Constitution of the Court, &c.

VII. Every Commissioner to be appointed in pursuance of this Act shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,) "I A. B. do swear, That I will "faithfully, honestly, and impartially, according to the best of my "Skill and Knowledge, execute the several Powers and Trusts reposed "in me as a Commissioner of Bankrupt, and that without Favour or "Affection, Prejudice or Malice. So help me God;" and such Commissioner, having once taken the said Oath, shall not be required again to take the same so long as he shall continue in Office.

The Oath of Office. 6 & 7 W. 4. c. 14. s. 4.

VIII. No Commissioner of Bankrupt shall during his Continuance in such Office be capable of being elected a Member of the House of Commons.

Commissioners not to be elected Members of House of Commons. 6 & 7 W. 4. c. 14. s. 6.

IX. There shall be paid out of the Monies standing to the Bankruptcy and Compensation Fund Account to each Commissioner of Bankrupt the yearly Sum of *One thousand five hundred Pounds.*

Salary of Commissioner. 6 & 7 W. 4. c. 14. s. 10. 1 Vict. c. 48.

X. The Court of Bankruptcy shall for the Purposes of this Act be a Court of Record and a Court of Law and Equity; All Records and Proceedings in Bankruptcy existing at the Commencement of this Act, in the Custody of the Commissioners, shall be kept as Records and Proceedings in the said Court, and the said Court and every Commissioner thereof shall have and use all the Powers, Rights, Incidents, and Privileges of a Court of Record as fully to all Intents and Purposes as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges in Dublin, and each Commissioner for the Time being acting shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided.

The Court of Bankruptcy to be a Court of Record, &c. 12 & 13 Vict. c. 106. s. 6.

XI. The Lord Chancellor may from Time to Time make such Rules and Orders as he may think fit for the better carrying this Act into execution, and as regards the Duties to be performed by the Officers of the Court, and generally for regulating the Practice of the

Lord Chancellor may make Rules, subject to Approval of Parliament.

Constitution of the Court, &c.

6 & 7 W. 4. c. 14. s. 14.
12 & 13 Vict. c. 106. s. 8.

the Court, and the Forms of Proceedings where not provided for in this Act: Provided always, that all such Rules and Orders shall immediately after the issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or within *Five* Days after the next Meeting thereof; and if either House of Parliament shall by any Resolution passed within *Thirty-six* Days after such Rules or Orders have been laid before Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole, or the Part included in such Resolution, shall thenceforth cease to be binding.

Sittings of the Court.
6 & 7 W. 4. c. 14. s. 12.
12 & 13 Vict. c. 106. s. 10.

XII. The Court shall sit for the Despatch of Business daily throughout the Year (Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast and Thanksgiving excepted); but the Lord Chancellor may, for the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in Ireland, suspend the Sittings of the Court or of One Commissioner, in such Manner as the Business of the Court will permit.

Appointment and Payment of Substitute for Commissioner prevented from attending.
6 & 7 W. 4. c. 14. s. 12.

XIII. If during the Time in which the Court should sit for the Despatch of Business any Commissioner be prevented by Sickness, or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person, being a Barrister-at-Law of not less than *Ten* Years standing, to perform the Duties of such Commissioner during such Absence, on taking the Oath herein-before prescribed; and every such Person so appointed to perform the Duty of such Commissioner as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Commissioner under this Act; and every such Commissioner who shall be so appointed to act during the Absence of such Commissioner as aforesaid shall receive from the said Bankruptcy and Compensation Fund Account such Proportion, and no more, of the Salary of such Commissioner for and during the Period of his Service as shall be directed by the Deputation under which he shall be so appointed, and the Residue only shall for such Period be payable to such Commissioner.

Lord Chancellor may order a Commissioner to hold Sittings in the Country.

XIV. The Lord Chancellor may from Time to Time, whenever it shall appear to him to be expedient, order any Commissioner to hold Sittings in any Part of Ireland as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

XV. The

Jurisdiction, primary and appellate.

Primary Jurisdiction of the Court, with Appeal to Lord Chancellor. 12 & 13 Vict. c. 106. s. 12. 12 & 13 Vict. c. 107. s. 114.

XV. The Court shall by way of primary Jurisdiction have Superintendence and Control in all Matters of Bankruptcy, and shall hear, determine, and make Order in any Matter of Bankruptcy whatever, so far as the Assignees are concerned, relating to the Disposition of the Estate and Effects of the Bankrupt, or of any Estate or Effects taken under the Bankruptcy and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees by virtue or under colour of the Bankruptcy, and also in any Matter of Bankruptcy whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court; and also in any Application for a Certificate of Conformity and in any other Matter (whether in Bankruptcy or not) where the Court by virtue of this Act has Jurisdiction over the Subject of the Petition or Application, save and except as may be by this Act otherwise specially provided: Every Order or Decision of the Court shall be subject to Appeal to the Lord Chancellor, but such Appeal must be entered within *Twenty-one* Days from the Date of the Decision or Order, and be thereafter duly prosecuted, otherwise the Decision or Order, shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Rule or Order to be made in pursuance of this Act.

Lord Chancellor sitting in Bankruptcy to be a Court of Record, &c. 12 & 13 Vict. c. 106. s. 13.

XVI. The Lord Chancellor sitting on Appeal in Bankruptcy shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy.

Appeals to be brought on by Petition, Motion, or Special Case. 12 & 13 Vict. c. 106. s. 14.

XVII. Every Appeal from a Decision or Order of a Commissioner shall be brought on by way of Petition, Motion, or Special Case, subject to any General Order to be made by the Lord Chancellor.

Lord Chancellor may direct Question of Fact to be decided by a Jury. 12 & 13 Vict. c. 106. s. 15. 8 & 9 Vict. c. 109.

XVIII. The Lord Chancellor may direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled "An Act to amend the Law concerning Games and Wagers;" and a new Trial may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

New Trial may be moved for.

Jurisdiction, primary and appellate.

Appeals, &c. to be entered in Office of Registrar, &c. 12 & 13 Vict. c. 106. s. 17.

XIX. Every Appeal to the Lord Chancellor, and every Affidavit and Document to be used on the Hearing of such Appeal, shall be entered in the Office of the Registrars; and the Lord Chancellor shall, on the Hearing of such Appeal, be attended by One of the Registrars of the Court of Bankruptcy.

Appeal to the House of Lords. 12 & 13 Vict. c. 106. s. 18.

XX. If the Lord Chancellor shall in any Case deem any Matter of Law or Equity brought before him on any such Appeal to be of sufficient Importance to warrant an Appeal to the House of Lords, or in case both Parties in any Proceeding before the Lord Chancellor shall desire that any Matter of Appeal from an Order or Decision of the Commissioner may be determined in the first instance by the House of Lords and not by the Lord Chancellor, then and in either of such Cases the whole Facts whereupon such Question of Law or Equity shall arise, shall be stated in the Form of a Petition of Appeal to the House of Lords, and the Party appealing may carry an Appeal to the House of Lords in like Manner as other Appeals are preferred to that House: Provided always, that the Statements of Fact in the Cases lodged in the House of Lords shall consist of a Special Case approved and certified by the Lord Chancellor if the Appeal be from the Lord Chancellor, and approved and certified by the Commissioner if the Appeal be from the Commissioner.

Courts of Assistant Barristers to be auxiliary to Court of Bankruptcy for Proof of Debts and taking Examinations.

XXI. The Court of every Assistant Barrister in Ireland shall be auxiliary to and have all the Powers of the Court of Bankruptcy for Proof of Debts, and for the Examination of Persons or Witnesses on Oath: Provided always, that all such Examinations shall be taken down by the Assistant Barrister in Writing, and shall be annexed to and form part of the Proceedings in the Matter to which the same shall relate; and no such Proof or Examination shall be taken without the Request in Writing of the Commissioner before whom the Matter is being prosecuted; and all Depositions taken on any such Examination shall be transmitted by the Assistant Barrister to the Court of Bankruptcy.

Sealing and Signature of Warrants. 12 & 13 Vict. c. 106. s. 29.

XXII. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Commissioner; and every Summons shall be under the Seal of the Court and under the Hand of a Commissioner, or in his Absence under the Hand of One of the Registrars.

Records, Proceedings, &c. to be sealed. 12 & 13 Vict. c. 106. s. 25.

XXIII. The Court shall cause to be sealed with the Seal of the Court all Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

And

Of the Registrars.

And with respect to the Registrars, be it enacted as follows:

Appointment and Salary of Registrars. 6 & 7 W. 4. c. 14. s. 13. 1 Vict. c. 48. 12 & 13 Vict. c. 107. s. 66.

XXIV. There shall be *Two* Registrars of the Court, who shall from Time to Time be appointed by the Lord Chancellor as a Vacancy shall arise, and shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Lord Chancellor; and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Three hundred Pounds* per Annum be paid to each Registrar out of the Monies standing to the Credit of the Bankruptcy and Compensation Fund Account; the present Registrars shall continue to be Registrars of the Court, and shall have the like Powers and Salaries, and be subject to the like Control in all respects, as if they had been appointed under the Provisions of this Act.

Court may direct Registrar to take Proof of Debts, &c. 12 & 13 Vict. c. 106. s. 28.

XXV. The Court may, when it shall seem expedient, direct a Registrar to act in the Prosecution of any Bankruptcy for Proof of Debts or for the Examination of Persons or Witnesses on Oath; and the travelling Expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and be paid out of the Estate of the Bankrupt; and such Registrar so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annexed to and form Part of the Proceedings.

Registrars to provide Seal. 12 & 13 Vict. c. 106. s. 29.

XXVI. The Registrars shall provide a Seal on which shall be engraven the Style of the Court, and such Seal shall be kept by the Registrars for the Time being in trust for the Purposes of the Court, and such Seal shall be the Seal of the Court.

Registrars to tax Bills of Costs, &c.

XXVII. It shall be the Duty of the Registrars to tax all such Bills of Fees, Costs, Charges, and Disbursements as may by any General Rule or Order to be made in pursuance of this Act be referred to them or either of them for Taxation; but such Taxation shall be subject to review by the Court.

Office of Clerk of Enrolments abolished; Registrars to keep Records. 6 & 7 W. 4. c. 14. ss. 109–111. 2 & 3 W. 4. c. 114. ss. 1–6. 5 & 6 Vict. c. 122. s. 74. 15 & 16 Vict. c. 77. s. 11.

XXVIII. After *the Commencement of this Act* the Duties of the Person by an Act passed in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, intituled "An Act to prevent Frauds committed by Bankrupts," directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankruptcy, and known as the Clerk of Enrolments in Bankruptcy in Ireland, shall be transferred to the

Of the Registrars.

the Registrars of the Court of Bankruptcy; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the same Person in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, shall be removed to the Office of the said Registrars, and shall be there kept as Records of the Court of Bankruptcy; and the said Registrars of the said Court shall enter of Record all Matters and Proceedings in Bankruptcy by this Act, or any Rule or Order to be made in pursuance hereof directed to be entered of Record.

Registrars to enter Proceedings. 2 & 3 W. 4. c. 114. s. 14.

XXIX. It shall be lawful for the Registrars of the Court to enter of Record any Proceeding in Bankruptcy by this Act directed to be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Commissioner shall have full Power, upon Application made to him for that Purpose, to direct any Commission of Bankruptcy heretofore issued, and the Depositions and Proceedings had and taken under the same, or such Part or Parts thereof as he shall think fit, to be entered of Record.

Of the Official Assignees.

And with respect to the Official Assignees, be it enacted as follows:

Existing Official Assignees to be continued. 12 & 13 Vict. c. 107. ss. 28–37.

XXX. The present Official Assignees shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges, and shall be subject to the like Control, as if they had been appointed under this Act.

Appointment of Official Assignees. 1 & 2 W. 4. c. 56. s. 22. 5 & 6 Vict. c. 122. s. 48.

XXXI. Upon any Vacancy in the Office of Official Assignee it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant who has been engaged in Trade and resident in Ireland, to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall give such Security, and be subject to such Rules and Act in such Manner, as may from Time to Time be directed by any General Rule or Order to be made by the Lord Chancellor in that Behalf.

Their duty. 12 & 13 Vict. c. 106. s. 39.

XXXII. One of the Official Assignees shall be appointed by the Court as Assignee of each Bankrupt's Estate and Effects, to act with the Assignee or Assignees to be chosen by the Creditors; and the Real and Personal Estate and Effects of the Bankrupt, and the Income and Proceeds thereof shall be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Court: and all Stock in the Public Funds, or of any public Company, and all Monies, Exchequer Bills, India Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank

Of the Official Assignee.

Bank of Ireland, and shall from Time to Time be kept there to the Credit of the Official Assignee, and of the Creditors Assignee or Assignees (if any), subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor, or any Commissioner of the Court if authorized so to do by any Order of the Lord Chancellor, shall direct.

To act as sole Assignee till Creditors Assignees chosen, and may sell or otherwise dispose of property of a perishable nature, &c. 12 & 13 Vict. c. 106. s. 40.

XXXIII. Until Assignees shall be chosen by the Creditors the Official Assignee shall to all Intents and Purposes whatsoever be the sole Assignee of the Bankrupt's Estate and Effects, and if the Court shall so order may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay.

After Assignees have been chosen by the Creditors the Official Assignee shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Property.

Not to interfere with Creditors Assignees in Appointment &c. of Solicitor, &c.

Official Assignee not personally liable for Acts done in execution of his Duty. 12 & 13 Vict. c. 106. s. 41.

XXXIV. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have been grounded being insufficient to support such Adjudication. No Official Assignee shall be liable in respect of his Receipt, in his official Capacity, of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Rule of the Lord Chancellor made in pursuance of this Act.

If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

Court may appoint another Official Assignee on Death, &c. 12 & 13 Vict. c. 106. s. 42.

XXXV. That on the Death or Removal of any Official Assignee in any Bankruptcy the Court may appoint another Official Assignee in such Bankruptcy.

Power to appoint Official Assignee to act with existing Assignees under old Bankruptcies. 12 & 13 Vict. c. 106. s. 43.

XXXVI. The Court may appoint an Official Assignee in any Bankruptcy existing at the passing of this Act, and may direct the other Assignees, if any, in such Bankruptcy to pay and deliver over to such Official Assignee all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Bankruptcy shall immediately

Of the Official Assignee.

diately vest in such Official Assignee, jointly with the existing Assignees, if any, in like Manner as if the Proceedings in such Bankruptcy had originally been commenced by virtue of this Act, without Prejudice to any Action, Suit, or Contract pending at the Time of the Commencement of this Act.

Remuneration to Official Assignee. 12 & 13 Vict. c. 106. s. 44.

XXXVII. The Court may order to be paid out of any Bankrupt's Estate to the Official Assignee, as a Remuneration for his Services, such Sum Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be reasonable.

Returns by Official Assignees. 12 & 13 Vict. c. 106. s. 45.

XXXVIII. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not, within *Fourteen* Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by every Official Assignee a Return in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned, in respect of every Estate under his Charge, and which shall not have been finally wound up on the *Thirty-first Day of December* in the preceding Year; and such Return shall be certified by the Court, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Lord Chancellor may from Time to Time think fit to make.

Of the Messengers.

And with respect to the Messengers, be it enacted as follows:

Number of Messengers to be reduced to Two.

How to be appointed and paid.

XXXIX. On the next Occasion of a Vacancy in the Number of Messengers now employed by the Commissioners, the Vacancy shall not be filled up, and in such Manner the Number of Messengers shall be reduced to *Two*. After the Number of Messengers shall have been reduced to *Two*, every subsequent Vacancy in the Number shall be filled up from Time to Time by Warrant under the Hand of the Commissioners. The Messenger so appointed shall continue in Office at the Pleasure of the Commissioners, and it shall be lawful for the Lord Chancellor to direct, with reference both to the present and any future Messenger, that a Salary not exceeding *One hundred and thirty Pounds* per Annum be paid to each Messenger in lieu of all Fees, out of the Monies standing to the Credit of the Bankruptcy and Compensation Fund Account. The Duties of the Messengers shall be such as the Lord Chancellor shall by any Order to be made in pursuance of this Act from Time to Time direct, and it shall be lawful for the Lord Chancellor by any such Order to direct from Time to Time how and by whom, or out of what Fund, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid.

Of the Messengers.

XL. If any present or future Messenger shall sue out or prosecute any Petition for Adjudication of Bankruptcy, or shall act as Agent in any Bankruptcy, he or they shall for ever thereafter be incapable of holding the Office of Messenger in any Bankruptcy, and every Messenger shall, before the Commissioner executes his Warrant of Seizure to him, take before the Commissioner the following Oath; (that is to say;)

6 & 7 W. 4. c. 14. s. 154. 1 Vict. c. 48. ss. 9 and 10.

"I A. B. do swear, That I will faithfully, impartially, and honestly, "according to the best of my Skill and Knowledge, execute, "the several Orders which I shall receive from the Commissioner in "the Bankruptcy of C. D., and that I will not knowingly suppress or "conceal the Truth, or suggest or practise any Falsehood in respect "to any Matter or Thing relating to the said Bankruptcy, or any of "the Proceedings thereunder; and that I will not, by myself or any "other Person in trust for me, have any Interest, Employment, or "Concern in the said Bankruptcy in any other Capacity whatsoever "except that of Messenger. So help me GOD."

Exemptions and Disqualifications of Officers, &c.

And with respect to Exemptions and Disqualifications of Officers, be it enacted, as follows:

Officers, &c. exempt from serving on Juries, &c. 12 & 13 Vict. c. 106. s. 47.

XLI. The Registrars, the Official Assignees, and the Messengers of the Court shall be disqualified from serving any parochial Office or on any Jury or Inquest.

No Commissioner, &c. to practise as a Barrister, &c.

XLII. No present or future Commissioner or Registrar shall, while in Office, practise as a Barrister; and no Attorney or Solicitor, whose Name shall be on the Roll of any of the Superior Courts of Law or Equity in Dublin as such Attorney or Solicitor, shall be appointed to or hold the Office of Registrar or Messenger.

Of Fees.

And with respect to Fees, be it enacted as follows:—

Certain Documents to be written on stamped Vellum, &c. in lieu of Fees. 6 & 7 W. 4. c. 14. ss. 5. 8. 11. 12 & 13 Vict. c. 107. s. 116. 12 & 13 Vict. c. 106. s. 48.

XLIII. *Every Document enumerated in the Schedule C. to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper, bearing the Stamp Duty set opposite to such Document in such Schedule, and having the Word "Bankruptcy" impressed on the Stamp. Where any such Document shall consist of more than One Sheet, only the First Sheet shall be impressed with the Stamp. No Fees, other than those authorized by the Act, shall be payable in respect of any Proceedings in Bankruptcy taken after the Commencement of this Act.*

No Fees to be payable in Bankruptcy other than as directed by this Act.

Commissioners of Inland Revenue to give the necessary Directions to keep separate Accounts, &c. and to pay over Monies re-

XLIV. *The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them*

Of Fees.

ceived to Bank of Ireland. 12 & 13 Vict. c. 106. s. 49.

or by their Order in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such Monies all such Costs, Charges, and Expenses, and after such Deduction they shall from Time to Time, and in such Manner as may by any General Order to be made in pursuance of this Act be directed, pay over the Monies so to be received into the Bank of Ireland to the Credit of the Accountant General in Chancery, to the Account intituled "The Bankruptcy and Compensation Fund Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps and make Allowance for spoiled Stamps. 12 & 13 Vict. c. 106. s. 50.

XLV. *The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such Discount or Poundage as may by any General Rule or Order to be made, by the Lord Chancellor in pursuance of this Act be directed, and the Lord Chancellor may by any such General Rule or Order make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.*

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act. 12 & 13 Vict. c. 106. s. 51.

XLVI. *The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.*

Documents not to be received unless a Stamp be impressed. 12 & 13 Vict. c. 106. s. 52.

Document unstamped may be restamped by Court.

XLVII. *No Document which by this Act is required to have a Stamp impressed thereon shall be received, filed, or used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon. But where any such Document has through Mistake or Inadvertence been received, filed, or used without such Stamp, the Court may, if it think fit, order such Stamp to be impressed thereon; and thereupon such Document when so stamped, and every Proceeding in reference thereto,*

thereto, shall be as effectual as if the Stamp had been impressed thereon in the first Instance.

Of Fees.

Charge for Office Copies. 12 & 13 Vict. c. 106. s. 53.

XLVIII. All Office Copies of Fiats, Petitions, Affidavits, Orders, and other Proceedings shall be charged for at the Rate of *Three Halfpence* per Folio of Ninety Words, and shall be made out and delivered in such Manner as may be directed by any General Rule or Order to be made in pursuance of this Act.

Payment of Percentage by Official Assignees, &c. 12 & 13 Vict. c. 106. s. 54.

XLIX. The Official Assignee of each Bankrupt's Estate, and every Official Assignee appointed by the Court under any Petition for Arrangement between his Debtor and his Creditors, where the Estate and Effects of the Petitioning Debtor shall vest in such Official Assignee, either alone or jointly, in manner herein-after mentioned, shall pay to the Credit of the Account entitled "The Bankruptcy and Compensation Fund Account" such Sum not less than *One Eighth of a Pound* per Centum, and not exceeding *Three Pounds* per Centum on the gross Produce from Time to Time of any such Estate, such Sum, within the Limits aforesaid, and the Time or Times for Payment thereof, to be fixed by the Lord Chancellor; and the Lord Chancellor may from Time to Time lessen or increase such Sum within the Limits aforesaid as may seem just and reasonable, upon Consideration of the State of the said Account and of the Charges thereupon.

Of Salaries, &c.

And with respect to the Payment of Salaries, Compensations, and retiring Annuities, and of travelling and other Expenses, be it enacted as follows:—

Salaries of Commissioners, Registrars, and Messengers to be paid out of Bankruptcy and Compensation Fund Account. 6 & 7 W. 4. c. 14. ss. 9, 10.

L. The Salaries payable to the Commissioners and Registrars and Messengers shall be paid out of the Account intituled "The Bankruptcy and Compensation Fund Account," and in case of a Deficiency in such Account then out of the Fund called "The Suitors Fee Fund;" and the Salaries shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever except the Tax on Income, on the First of December, the First of March, the First of June, and the Eleventh of September in every Year, by equal Portions; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under former Act continued.

LI. All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the

Of Salaries, &c.

6 & 7 W. 4. c. 14. s. 9.

the Statute Sixth and Seventh William the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the said "Bankruptcy and Compensation Fund Account," and in case of a Deficiency in such Account then out of the Fund called "The Suitors Fee Fund," and shall be paid and payable to such Persons free from all Taxes except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act: Provided always, that the Salary of any new Public Office or Employment accepted by any Person entitled to receive such Compensation or Annuities shall be taken in satisfaction wholly or in part of such Compensation or Annuities.

Monies paid out of "Suitors Fee Fund" to be repaid. 6 & 7 W. 4. c. 14. s. 11.

LII. All Sums paid out of the "Suitors Fee Fund" in aid of the "Bankruptcy and Compensation Fund Account" shall be repaid to the "Suitors Fee Fund" out of the "Bankruptcy and Compensation "Fund Account" whenever there shall be a Surplus of the latter Account after satisfying the Payments chargeable thereon.

Monies paid to "Bankruptcy and Compensation Fund Account" to be subject to Orders of Lord Chancellor as to Payments thereout. 12 & 13 Vict. c. 106. s. 58.

LIII. All Monies paid to the Account entitled "The Bankruptcy "and Compensation Fund Account," shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of Rent, Insurance, and Repair of Courts, Stationery for the Use of the Courts, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect.

Accounts for Stationery, &c. to be audited, &c. 12 & 13 Vict. c. 106. s. 59.

LIV. All Accounts for Stationery and other incidental Expenses of the Court shall be audited and allowed by One of the Commissioners before any Order for Payment shall be obtained.

Of Returns.

And with respect to the Returns of Monies received in pursuance of this Act, be it enacted as follows:

Returns to Parliament to be made by Accountant General in Chancery. 12 & 13 Vict. c. 106. s. 36.

LV. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not, within *Fourteen* Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by the Accountant General of the High Court of Chancery in Ireland a Return showing the total Amount of Monies paid into the Bank of Ireland to his Credit under the Provisions of this Act during the Year preceding and up to the *Thirty-first Day of December* in that Year (distinguishing therein the Amount paid over by the Commissioners of Inland Revenue as herein-after directed), the total Amount of Monies paid out during the same Period by Order of the Lord Chancellor or the Court of Bankruptcy, or any Commissioner thereof, the Balances on the said *Thirty-first Day of December* in the Bank of Ireland standing to the Credit of the Accountant, and showing

showing also the net Amounts standing at the Bank of Ireland to his Credit on the *First Day of January*, on first, the Bankruptcy and Compensation Fund Account, and second, the Unclaimed Dividend Account; and the Return in respect of the first-mentioned Account shall have an Appendix attached thereto detailing all Payments made from such Account, and to whom made, and whether as Salaries, Compensations, Annuities, Services, or travelling or other Expenses or Allowances; and the said Return shall specify the Amount transferred and paid out as Dividends out of the Dividend Account, and shall also show the Balance then existing on such Account.

Of Returns.

And with respect to the Buildings in which Courts are held, be it enacted as follows:

Of the Buildings for holding the Courts.

LVI. All Sittings of the Court in Dublin in any Matter under this Act, and all Meetings of Creditors in any such Manner convened by public Advertisement, shall be held in the Buildings at the Four Courts now used by the Commissioners of Bankrupt, or in such other Place or Places as the Lord Chancellor shall from Time to Time direct, and the Buildings so used for the Time being shall be called "The Court of Bankruptcy."

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of Lord Chancellor. Buildings used to be called "The Court of Bankruptcy." 6 & 7 W. 4. c. 14. s. 13.

And with respect to Persons liable as Traders to become bankrupt, be it enacted as follows:

Of the Persons liable to become bankrupt.

LVII. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery-stable Keepers, Market Gardeners, Millers Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener, receiving other Men's Monies or Estates into their Trusts or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in Gross or by Retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

Enumeration of the Traders liable to become Bankrupt. 6 & 7 W. 4. c. 14. ss. 18, 25. 12 & 13 Vict. c. 107. s. 10. 12 & 13 Vict. c. 106. s. 65.

What Persons not to be deemed such Traders.

Traders having Privilege of Parliament.
12 & 13 Vict. c. 106. s. 66.

LVIII. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege except in Cases made Felonies or Misdemeanors by this Act.

Acts of Bankruptcy in general.

And with respect to Acts of Bankruptcy in general, be it enacted as follows

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.
6 & 7 W. 4. c. 14. ss. 19–27.
12 & 13 Vict. c. 107. ss. 20–23.
12 & 13 Vict. c. 106. ss. 69–77.

LIX. If any Trader liable to become bankrupt shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels, to be attached, sequestered, or taken in Execution, or make or cause to be made either within this Realm or elsewhere any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of a Trader's Property, not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months.

LX. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition for Adjudication of Bankruptcy be filed within *Three* Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within *Fifteen* Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within *One Month* after the Execution thereof by such Trader, in case such Trader reside in Dublin or within *Forty* Miles thereof, in the Dublin Gazette, and also in *Two* Dublin daily Newspapers; and in case such Trader does not reside within *Forty* Miles of Dublin, then in the Dublin Gazette and in One Dublin daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney as Solicitor.

LXI. If

Acts of Bankruptcy in general.

Lying in Prison and escaping out of Prison.

LXI. If any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for *Twenty-one* Days, or having been arrested or committed to Prison for any other Cause, shall be in Prison for *Twenty-one* Days after any Detainer for Debt lodged against him and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Filing a Declaration of Insolvency in the Office of the Registrars.

LXII. If any such Trader shall file, in the Office of the Registrars of the Court of Bankruptcy, a Declaration in Writing, in the Form contained in Schedule (D.) to this Act annexed, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against such Trader within *Two* Months from the filing of such Declaration.

Compounding with Petitioning Creditor.

LXIII. If any such Trader, after the issuing of any Commission or filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt, or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security, shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Commission or Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition, or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Adjudication may either be annulled or declared valid.

Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Seven Days

LXIV. If any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment

Acts of Bankruptcy in general.

after Notice requiring Payment.

Judgment, and such Trader shall not within *Seven* Days after Notice in Writing, personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice; but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day.

LXV. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall pay such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order *Seven* Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after the Service of such Order.

Filing Petition in Insolvent Debtors Court in Ireland.

LXVI. If any such Trader, being in actual Custody for Debt, shall apply by Petition for his Discharge to the Court for the Relief of Insolvent Debtors in Ireland, the filing of such Petition shall be an Act of Bankruptcy; in case a Petition for Adjudication of Bankruptcy is filed against such Trader, and he is adjudged Bankrupt before the Time appointed by the Insolvent Court, and advertised in the Dublin Gazette for such Trader to be brought up to be dealt with according to the Laws for Relief of Insolvent Debtors, or at any Time within *Two* Months from the Date of any Order vesting the Estate and Effects of any such Trader in the Provisional Assignee of the Insolvent Court, such Petition and Adjudication shall divest the Real and Personal Estate and Effects of such Trader out of the Official Assignee in Insolvency; but the filing by such Trader of a Petition for his Discharge shall not be deemed an Act of Bankruptcy, unless he is adjudged bankrupt before the Time so advertised, or within such *Two* Months as aforesaid.

LXVII. The

Acts of Bankruptcy in general.

LXVII. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws relating to "Insolvent Debtors in India," and the Adjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act, may, at any Time within *Two* Months after Notice of the Insolvency shall have been given in the London Gazette, as directed by the said Act for amending the Laws relating to Insolvent Debtors in India, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21.

Filing Petition for Arrangement between a Trader Debtor and his Creditors.

LXVIII. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against him within *Two* Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed.

Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

LXIX. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader, to an Amount requisite to support a Petition for Adjudication, may file an Affidavit in any Court of Record in Dublin that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons, in the Form contained in Schedule (E.) to this Act annexed, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not within *One Month* after personal Service of the Summons either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, and within *One Month* next after personal Service of such Summons cause an Appearance to be entered thereto, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Acts of Bankruptcy by Nonpayment after Summons.

And with respect to Acts of Bankruptcy by reason of Nonpayment after Summons of the Court, and the Proceedings thereupon, be it enacted as follows:

Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader.
12 & 13 Vict. c. 107. ss. 11–19.
12 & 13 Vict. c. 106. ss. 78–86.

LXX. If any Creditor of any such Trader shall file an Affidavit in the Court of Bankruptcy, in the Form specified in Schedule (F.) hereunto annexed, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (G.) annexed to this Act, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (H.) annexed to this Act, calling upon such Trader to appear before the Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided; and if the Demand of a Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Delivery, Notice, &c. in case of Partnership.

Manner of proceeding upon the Appearance of the Trader.

LXXI. On the Appearance of any such Trader so summoned the Court may require him to state whether he admits the Demand of the Creditor, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule (I.) annexed to this Act, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Court, and the Court may allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Court, in the Form contained in Schedule (J.) annexed to this Act, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (K.) to this Act annexed, in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand, or of any Part thereof.

LXXII. If

Acts of Bankruptcy by Nonpayment after Summons.

Trader not attending Summons, or refusing to admit the Demand, &c. and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c. with Costs, to be an Act of Bankruptcy.

LXXII. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits of such Demand, or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases if such Trader shall not within *Seven* Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

LXXIII. If any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within *Seven* Days next after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after the filing of such Admission, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, &c. and not paying, &c. the Sum admitted, and as to Residue not paying the same, &c. or giving Bond to pay the same, if recovered in an Action with Costs, an Act of Bankruptcy.

LXXIV. If any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader as to the Sum so admitted shall not within *Seven* Days next after the filing of such Admission pay or tender to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not within *Seven* Days after personal Service of such Summons, or within such enlarged Time as may be granted to him

Acts of Bankruptcy by Nonpayment after Summons.

him in that Behalf pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit.

What shall be deemed a Refusal to admit of Debt.

LXXV. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission of entering into Bond, &c.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

LXXVI. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in Court, and shall be of the same Force and Effect, to all Intents and Purposes, as an Admission signed by such Trader on his Appearance in Court; provided such Admission be made in the Form contained in Schedule (L.) to this Act annexed, and there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request to inform him of the Effect of such Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor or the Trader summoned.

LXXVII. Where any such Trader against whom an Affidavit of Debt is filed shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the Event of any Action which shall have been brought, or shall thereafter be brought, for the Recovery of such Demand or any Part thereof; and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

LXXVIII. In

Acts of Bankruptcy by Nonpayment after Summons.

If Creditor bring an Action and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

LXXVIII. In every Action brought after the *Commencement of this Act* wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought; provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon by Rule or Order direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

General Provisions with respect to Acts of Bankruptcy.

Notice of Acts of Bankuptcy to Agents of Corporate Bodies, &c.
6 & 7 W. 4. c. 14. s. 99.
12 & 13 Vict. c. 106. s. 87.

LXXIX. If any accredited Agent or any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Commissions, &c.
6 & 7 W. 4. c. 14. s. 36.
12 & 13 Vict. c. 107. ss. 7. 8.

LXXX. No Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than *Twelve* Months prior to the issuing of any Commission in Bankruptcy or the filing of any Petition for Adjudication of Bankruptcy against him, and that no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bankruptcy subsequent to such Debt.

Of Procedure to obtain Adjudication.

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c.
12 & 13 Vict. c. 106. s. 89.

And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted as follows:

LXXXI. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (M.) to this Act annexed, and the Truth thereof verified by the Affidavit of the Petitioner, in the

Of Procedure to obtain Adjudication.

Form specified in the Schedule (N.) to this Act annexed, and if presented by a Trader, being in the Form specified in the Schedule (O.) to this Act annexed, and the Truth thereof verified by the Affidavit of such Trader in the Form specified in the Schedule (N.) to this Act annexed), and every such Petition shall be filed of Record and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall, by virtue of this Act, and without any Commission or special Authority whatsoever, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became Bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Amount of Petitioning Creditor's Debt.
6 & 7 W. 4. c. 14. s. 32.
12 & 13 Vict. c. 107. s. 9.
12 & 13 Vict. c. 106. s. 91.

LXXXII. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to *Fifty Pounds* or upwards:

The Debt of Two Creditors shall amount to *Seventy Pounds* or upwards:

The Debt of Three or more Creditors shall amount to *One hundred Pounds* or upwards:

Where a Debt is due to Two or more Persons as Partners they shall be considered as One Creditor: Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

Debt may be payable at a future Time although Security given.

Petition for Adjudication may be made by the Public Officer of certain Co-partnerships.
12 & 13 Vict. c. 106. s. 92.

LXXXIII. A Petition for Adjudication of Bankruptcy against any Trader indebted in the Amount aforesaid to any Co-partnership duly authorized to sue and be sued in the Name of a Public Officer of such Co-partnership may be filed by such Public Officer as the nominal Petitioner for and on behalf of such Co-partnership.

Trader may petition for Adjudication of Bankruptcy

LXXXIV. Any such Trader may petition for Adjudication of Bankruptcy against himself: Provided always, that unless such Trader shall

shall, forthwith after the filing of his Petition, and before Adjudication, make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least *Five Shillings* in the Pound, clear of all Charges (to be estimated by the Court) of prosecuting the Bankruptcy, such Petition shall be dismissed, and no further Petition shall be filed by such Trader without the Leave of the Court first obtained for that Purpose; and the Adjudication on any further Petition shall be subject to the like Condition as to the available Estate of the Trader.

against himself. 12 & 13 Vict. c. 106. s. 93.

LXXXV. Every Petition for Adjudication of Bankruptcy shall be filed in the Court, and the Registrars shall immediately cause the same to be entered in a Book to be kept by them for that Purpose, to be called "The General Docket Book" (which Book shall be in the Form contained in Schedule (P.); and every such Petition shall be allotted, in such Manner as may by any General Rule or Order made in pursuance of this Act be directed, to One of the Commissioners of the Court, and it shall be transmitted forthwith to the Registrar attending such Commissioner, who, when Adjudication shall have been made, shall enter a Minute thereof in the General Docket Book.

Where Petitions for Adjudication are to be filed. 12 & 13 Vict. c. 106. s. 94.

Docket Book.

Allotment of Petitions.

LXXXVI. When any Commission or Petition in prosecution, or any Adjudication of Bankruptcy made therein, shall have been superseded, dismissed, or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, the Registrar in attendance on the Commission making such Order shall forthwith enter a Minute thereof in the General Docket Book.

Commissions, &c. when superseded, or annulled to be minuted. 12 & 13 Vict. c. 106. s. 95.

LXXXVII. If the Petitioning Creditor in any Petition for Adjudication of Bankruptcy shall not proceed and obtain Adjudication within *Three* Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within *Fourteen* Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such *Fourteen* Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken thereon.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it. 12 & 13 Vict. c. 107. s. 25. 12 & 13 Vict. c. 106. s. 96.

LXXXVIII. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more

Petitions may be presented against One or more Partners in a Firm, and Petitions

against Two or more Persons may be dismissed as to One or more without affecting the rest.
6 & 7 W. 4. c. 14. s. 33.
12 & 13 Vict. c. 106. s. 97.

Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted before the Commissioner before whom the first was prosecuted.
6 & 7 W. 4. c. 14. s. 34.
12 & 13 Vict. c. 106. s. 98.

LXXXIX. After a Commission issued or a Petition for Adjudication of Bankruptcy filed against or by One or more Member or Members of a Firm, any Petition or Petitions for Adjudication of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, shall, unless the Lord Chancellor shall otherwise direct, be prosecuted before the Commissioner before whom the First Commission or Petition was prosecuted, or his Successor in Office; and immediately after the Adjudication under such other Petition or Petitions, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignee and the Creditors Assignee (if any) under the First Commission or Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Commission or Petition, be annexed to and form Part of the First Commission or Petition.

In case Trader against whom a Petition has been filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.
12 & 13 Vict. c. 107. ss. 4, 5, 6.
12 & 13 Vict. c. 106. s. 99.

XC. Whenever any Petition for Adjudication of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person is about to quit Ireland, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods, and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be adjudged bankrupt under such Petition, and be thereon dealt with according to this Act: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods, or Chattels, have been seized under any such Warrant, may apply at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why

Trader so arrested may apply to the Court for his Discharge forthwith.

why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him, and it shall be lawful for such Court to make absolute or discharge such Order or Rule.

Of Procedure to obtain Adjudication.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy. 6 & 7 W. 4. c. 14. s. 37. 12 & 13 Vict. c. 106. s. 100.

XCI. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Of Adjudication, and Proceedings thereunder.

And with respect to the Adjudication of Bankruptcy, and the Proceedings for securing the Property and Surrender of the Bankrupt, be it enacted as follows:

Court to make Adjudication, &c. upon certain Proofs. 6 & 7 W. 4. c. 14. s. 37. 12 & 13 Vict. c. 106. s. 101.

XCII. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within *Three* Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt, and, under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading and of the filing a Declaration of Insolvency and of the Sufficiency of his available Estate to the Extent required by this Act, shall adjudge such Trader bankrupt.

Appointment of Official Assignee. 12 & 13 Vict. c. 107. s. 28. 12 & 13 Vict. c. 106. s. 102.

XCIII. Immediately after Adjudication the Court shall appoint an Official Assignee to act as herein-before provided in this Behalf.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.

XCIV. If after Adjudication of Bankruptcy the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition for Adjudication of Bankruptcy to be proceeded in, and it shall by such Order

6 & 7 W. 4. s. 35. 12 & 13 Vict. c. 106. s. 103.

be deemed valid, which Order may be in the Form contained in the Schedule (Q.) to this Act annexed, or to the like Effect.

Bankrupt to have Notice thereof before Advertisement of Adjudication and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication. 12 & 13 Vict. c. 107. s. 45. 12 & 13 Vict. c. 106. s. 104.

XCV. Before Notice of any Adjudication of Bankruptcy shall be given in the Dublin Gazette, and at or before the Time of putting in execution any Warrant of Seizure which shall have been granted upon such Adjudication, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed *Seven* Days, or such extended Time, not exceeding *Fourteen* Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and upon such showing, no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy, or any or either of such Matters, which shall be deemed sufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order (in the Form contained in Schedule (R.) to this Act annexed, or to the like Effect,) such Adjudication to be annulled, and the same shall by such Order be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith, after the Expiration of such Time, cause Notice of such Adjudication to be given in the London Gazette, and shall thereby appoint Two Public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than *Thirty* Days and not exceeding *Sixty* Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit, so as every such Order be made *Six* Days at least before the Day on which such Bankrupt was to surrender himself;

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

XCVI. Im-

Of Adjudication, and Proceedings thereunder.

XCVI. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or, if the Bankrupt, before the Expiration of the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender, the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath before the Court, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees, to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid *Five Shillings* per Day by the Official Assignee out of his Estate.

Bankrupt to deliver up his Books of Account, &c. to the Official Assignee upon Oath. 6 & 7 W. 4. c. 14. s. 134. 12 & 13 Vict. c. 106. s. 105.

To attend Assignees.

To be at liberty to inspect Books, &c.

After Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

XCVII. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court, and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof, and such Messenger and his Assistants or other Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (S.) to this Act annexed, or to the like Effect.

Search Warrants may be granted. 6 & 7 W. 4. c. 114. s. 42. 12 & 13 Vict. c. 107. s. 42. 12 & 13 Vict. c. 106. s. 106.

XCVIII. No Action shall be brought against any Messenger or his Assistants, or other Person appointed by the Court, for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual

No Action to be brought against Persons acting in obedience to Warrant of the Court.

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6 & 7 W. 4. c. 14. s. 44.
12 & 13 Vict. c. 106. s. 107.

usual Place of Abode of such Messenger or his Assistant or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for *Six* days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant or Person so appointed, without making the Petitioning Creditor, if living, a Defendant, the Jury, at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict, the Defendant, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor, and the Messenger or Assistant or Person so appointed, the Jury shall on Proof of such Warrant give their Verdict for such Messenger or Assistant or Person so appointed, nothwithstanding any such Defect of Jurisdiction; and if the Verdict shall be given against the Petitioning Creditor, the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Messenger and his Assistant or Person so appointed as aforesaid.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable.
6 & 7 W. 4. c. 14. s. 45.
12 & 13 Vict. c. 106. s. 108.

XCIX. In any such Action against the Petitioning Creditor, either alone or jointly with any Messenger or Assistant or other Person so appointed by the Court, for anything done in obedience to the Warrant of the Court, Proof by the Plaintiff in such Action that the Defendant or Defendants, or any of them, is or are Petitioning Creditor or Creditors, shall be sufficient for the Purpose of making such Defendant or Defendants liable, in the same Manner, and to the same Extent, as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

Messenger may break open the Bankrupt's Doors, &c., and seize upon his Body or Property.
6 & 7 W. 4. c. 14. s. 40.
12 & 13 Vict. c. 106. s. 109.

C. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt, where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt, and if the Bankrupt be in Prison or in Custody, it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Execution of Warrant in England.
6 & 7 W. 4. c. 14. s. 41.

CI. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in England where such Bankrupt or any of his Property shall be reputed to be,

and

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and to seize upon the Body or Property of such Bankrupt, and also to execute within England such Search Warrant as herein-before mentioned, provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Messenger shall, before a Justice of the Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant or Search Warrant.

Execution of Warrant in Scotland. 6 & 7 W. 4. c. 14. s. 43. 12 & 13 Vict. c. 106. s. 111.

CII. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in Scotland where such Bankrupt or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt, and also to execute within Scotland such Search Warrant as herein-before mentioned, provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge Ordinary or Justice of the Peace in Scotland, who are hereby required, within their respective Jurisdictions, to back or endorse the same, and such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in Scotland, to execute the same within the County or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt, and to seize upon the Body or Property of such Bankrupt, to be dealt with according to Law.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally. 6 & 7 W. 4. c. 14. ss. 136. 138. 12 & 13 Vict. c. 107. ss. 51. 52. 83. 12 & 13 Vict. c. 106. s. 112.

CIII. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed as the Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender, he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered, and obtained his Protection from

Of Adjudication, and Proceedings thereunder.

Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next hereinafter mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear, by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings, or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, Malicious Arrest, Malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

If arrested, to be discharged on producing Protection.
6 & 7 W. 4. c. 14. s. 136.
12 & 13 Vict. c. 106. s. 113.

CIV. If any Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall, after his Surrender, and while protected by Order of the Court, be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of *Five Pounds* for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record in Dublin, in the Name of such Bankrupt, with full Costs of Suit.

Penalty on Detention.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.
6 & 7 W. 4. c. 14. s. 31.
12 & 13 Vict. c. 106. s. 114.

CV. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Rule or Order to be made in pursuance of this Act.

Commission, &c. not to be

CVI. No Commission in Bankruptcy shall be deemed invalid, nor any Petition for Adjudication of Bankruptcy dismissed, nor any Adjudication

cation reversed, by reason only that the Commission, Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

invalid by reason only of Concert. 6 & 7 W. 4 c. 14. ss. 23. 156. 12 & 13 Vict. c. 106. s. 115.

CVII. If any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may proceed notwithstanding Death of Bankrupt. 6 & 7 W. 4. c. 14. s. 39. 12 & 13 Vict. c. 106. s. 116.

CVIII. The Court may summon any Bankrupt before it, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt, either in Ireland or Great Britain, and to bring him before the Court, provided the Search Warrant, if executed in England or Scotland, shall be verified upon Oath, and backed or indorsed as herein-before mentioned in that Behalf: Upon the Appearance of such Bankrupt, or if such Bankrupt be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt, after he shall have signed the Declaration contained in the Schedule T. to this Act annexed, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt shall sign and subscribe.

Court may summon and examine Bankrupt. 6 & 7 W. 4. c. 14. s. 49. 12 & 13 Vict. c. 106. s. 119.

CIX. It shall be lawful for the Court to summon before it the Wife of any Bankrupt, and to examine her, after she shall have made and signed the Declaration contained in Schedule W. to this Act annexed, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt concealed, kept, or disposed of by such Wife in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as is herein-after provided.

Court may Summon and examine the Bankrupt's Wife. 6 & 7 W. 4. c. 14. s. 49. 12 & 13 Vict. c. 106. s. 118.

CX. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause that he is about to quit England, or to remove or conceal any of his Goods or Chattels,

If Bankrupt be keeping out of the way, or be about to quit England, &c., Court may issue Warrant for his Arrest.

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12 & 13 Vict. c. 106. s. 119.

Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person or Persons it shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court, to be examined, in like Manner as if he appeared upon a Summons.

Court empowered to summon Persons suspected of having Bankrupt's Property, &c.
6 & 7 W. 4. c. 14. s. 46.
12 & 13 Vict. c. 106. s. 120.

CXI. After Adjudication, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its Sitting, and allowed by it,) it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Persons keep out of the way.
12 & 13 Vict. c. 107. s. 72.
12 & 13 Vict. c. 106. s. 121.

CXII. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order, by Indorsement upon the Summons, that the Delivery of a Copy of such Summons to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service; and in every such Case the Service of such Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if the Party to whom such Summons was directed had been personally served therewith.

Power to examine Persons summoned or present at any Sitting.
6 & 7 W. 4. c. 14. s. 47.
12 & 13 Vict. c. 106. s. 122.

CXIII. Upon the Appearance of any Person summoned or brought before the Court upon any Warrant as aforesaid, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade,

Trade, Dealings, or Estate of any Bankrupt, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person; and such Answers so reduced into Writing such Person examined is hereby required to sign and subscribe.

12 & 13 Vict. c. 106. s. 123.

In a Case of Debts admitted to be due to Bankrupt's Estate Court may order Payment, and such Order to have Effect of Judgment.

CXIV. If any such Person examined as last aforesaid shall in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule (U.) to this Act annexed, admit that he is indebted to the Bankrupt in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained in the Schedule (V.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted in full Discharge thereof to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (V.) to this Act annexed, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly: Provided always, that no such Order shall be made unless there be present some Attorney of One of the Superior Courts on behalf of the Person making such Admission, expressly named by him, or, upon his Refusal to name such Attorney, named by the Court, to act upon his Behalf, to inform him of the Effect of such Admission, before the same is signed and subscribed as aforesaid, and such Attorney sign his Name as a Witness to such Admission in the Form contained in the Schedule (V.) to this Act annexed; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

Presence of Attorney on behalf of Party making the Admission.

Court may order Letters addressed to Bankrupt to be re-directed, or delivered to Official Assignees, &c.

12 & 13 Vict. c. 106. s. 124.

CXV. The Court may order, that for a Period of *Three* Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt at the Place of which he shall be described in the Petition for Adjudication of Bankruptcy shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or other Assignee, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Official or other Assignee, or other Person named in such Order, of the making of such Order, it shall

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be lawful for the Postmaster General, or such Officers as aforesaid, in England, Scotland, or Ireland, to re-address, re-direct, send, or deliver all such Post Letters to the Official or other Assignee, or other Person named in such Order accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period, as often as may be necessary.

Consequences of Adjudication in certain Cases.

And with respect to the Power of the Court over certain Descriptions of Property, be it enacted as follows:

Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property. 6 & 7 W. 4. c. 14. s. 86. 12 & 13 Vict. c. 106. s. 125. Proviso for Assignment of Vessels under the Laws for registering Vessels.

CXVI. If any Bankrupt at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; but this shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way of Security, duly registered according to the Provisions of the Laws in force for the registering of British Vessels.

Power of Court over certain Conveyances, &c. made by Bankrupt. 6 & 7 W. 4. c. 14. s. 87. 12 & 13 Vict. c. 106. s. 126.

CXVII. If any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt and such Children and Persons, and against all Persons claiming under him.

Court may sell Property improperly extended. 6 & 7 W. 4. c. 14. s. 85. 12 & 13 Vict. c. 106. s. 127.

CXVIII. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person

Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Consequences of Adjudication in certain Cases.

CXIX. If any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any Public Company, either in Ireland, England, or Scotland, standing in his Name in his own Right, it shall be lawful for the Court by Writing to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignee; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer. 6 & 7 W. 4. c. 14. s. 94. 12 & 13 Vict. c. 106. s. 128.

CXX. No Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy, shall be available for more than *One* Year's Rent accrued prior to the issuing of the Commission or the Day of the filing of such Petition; but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Distress not to be available for more than One Year's Rent due; the Landlord to prove for the Residue. 6 & 7 W. 4. c. 14. s. 88. 12 & 13 Vict. c. 106. s. 129.

CXXI. If any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any Public Company, either in Ireland, England or Scotland, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees and all Persons whose Act or Consent thereto is necessary to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Lord Chancellor shall direct; and it shall be lawful in such Case for the Lord Chancellor, if he shall think it expedient, to appoint a new Trustee of the Property in the Place of the Bankrupt.

Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee. 6 & 7 W. 4. c. 14. s. 93. 12 & 13 Vict. c. 106. s. 130.

CXXII. No Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming

Titles to Property sold not to be impeached, unless

Proceedings taken to annul, and duly prosecuted.
6 & 7 W. 4. c. 14. s. 101.
12 & 13 Vict. c. 107. s. 26.
12 & 13 Vict. c. 106. s. 131.

ing under him, in respect of any Defect in the Commission or Petition for Adjudication, or in any of the Proceedings under the same, unless the Bankrupt shall, within the Time allowed by this Act, have commenced Proceedings to dispute, supersede, or dismiss the Commission, Petition, or Adjudication, and duly prosecuted the same.

The Court after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.
12 & 13 Vict. c. 106. s. 132.

CXXIII. After the Adjudication of Bankruptcy in any Case shall have been advertised in the Dublin Gazette, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, to pay and deliver over to the Official Assignee, or to the Bank of Ireland, to the Credit of the Assignees of the Bankrupt for the Time being, according to the Rules which may be in force with respect to Payment into the Bank of Ireland of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power, as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Assignees.

And with respect to Transactions with the Bankrupt, and Executions against his Property, up to the Time of the Bankruptcy, or within a limited Time previously thereto, be it enacted as follows:

Of Transactions not affected by Bankruptcy.

Payments, Conveyances, Contracts, &c. Executions against Lands (if executed by Seizure) and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy.
6 & 7 W. 4. c. 14. ss. 95. 96. 98.
12 & 13. Vict. c. 106. s. 133.

CXXIV. All Payments really and bonâ fide made by any Bankrupt, or by any Person on his Behalf, before the issuing of the Commission or the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt and all Payments really and bonâ fide made to any Bankrupt before the Date and issuing of the Commission or the filing of such Petition, and all Conveyances by any Bankrupt bonâ fide made and executed before the issuing of the Commission or the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the issuing of the Commission or the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale, before the issuing of the Commission or the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed:

mitted: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment, or to any Delivery or Transfer of any Goods or Chattels, made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney, or Cognovit actionem, or Judge's Order, obtained by consent, given by any Bankrupt by way of fraudulent Preference.

Of Transactions not affected by Bankruptcy.

Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

CXXV. No Purchase from any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof unless a Commission or Petition for Adjudication of Bankruptcy shall have been sued out or filed within *Twelve* Months after such Act of Bankruptcy.

Bonâ fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Commission, &c. be sued out within 12 Months after the Act of Bankruptcy. 6 & 7 W. 4. c. 14. s. 100. 7 & 8 Vict. c. 90. ss. 37, 38. 12 & 13 Vict. c. 106. s. 134.

CXXVI. Every Warrant of Attorney to confess Judgment in any Personal Action given by any Bankrupt after *the Commencement of this Act*, and within *Two* Months of the filing of a Petition for Adjudication of Bankruptcy by or against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit actionem or Consent to a Judge's Order for Judgment given by any Bankrupt at any Time after *the Commencement of this Act*, and within *Two* Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, (as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Of Warrants of Attorney, &c.

Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void. 12 & 13 Vict. c. 106. s. 135.

CXXVII. If after *the Commencement of this Act* any Warrant of Attorney to confess Judgment in any Personal Action, or any Cognovit actionem in any Personal Action, shall have been given by any such Trader, and such Warrant of Attorney or Cognovit actionem, or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at Dublin in which Judgment on such Warrant of Attorney shall thereafter be entered up within *Twenty-one* Days next after the execution thereof in manner and form provided by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled "An Act for "abolishing Arrest on Mesne Process in Civil Actions, except "in certain Cases, for extending the Remedies of Creditors against the

Warrants of Attorney and Cognovits actionem given by any Trader to be void, unless the same or a Copy thereof be filed, &c. within Twenty-one Days after the Execution thereof. 12 & 13 Vict. c. 106. s. 136. 3 & 4 Vict. c. 105.

Of Warrants of Attorney, &c.

" Property of Debtors, and for the further Amendment of the Law " and the better Advancement of Justice in Ireland," every such Warrant of Attorney and Cognovit actionem shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant of Attorney or Cognovit actionem which shall be so filed as aforesaid shall have been given, subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit actionem shall be written before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit actionem shall be null and void to all Intents and Purposes whatever.

Pleas of Confession, Consents, &c. to be void unless filed within Twenty-one Days, in like Manner with Warrants of Attorney and Cognovits Actionem. 12 & 13 Vict. c. 107. s. 111. 12 & 13 Vict. c. 106. s. 137.

CXXVIII. After *the Commencement of this Act*, the Provisions and Regulations of the said Act of the Third and Fourth Years of the Reign of Her present Majesty with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession and Cognovit actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit or Proceeding in any of the Superior Courts of Law in Ireland, against any such Trader, and to the numbering, entering, and searching for the same, in like Manner as to Warrants of Attorney and Cognovits actionem mentioned in the same Act; and if at any Time after *Twenty-one* Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment, and Consent for Judgment, a Petition for Adjudication of Bankruptcy shall be presented against any such Trader, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, then, unless such Plea, Cognovit, Acknowledgment, or Consent for Judgment shall have been (within *Twenty-one* Days from the Execution or signing thereof) duly filed pursuant to the Provisions of the same Act, or unless, within the same Period, Judgment shall have been entered thereon, and duly registered according to the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled " An Act for the Protection of Purchasers " against Judgments, Crown Debts, Lis Pendens, and Commissions " of Bankruptcy, and for providing One Office for the registering of " all Judgments in Ireland, and for amending the Laws in Ireland " respecting Bankrupts and the Limitation of Actions," such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy of any such Trader, and such Assignees shall be entitled to recover, for the Benefit of his Estate,

Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Of Warrants of Attorney, &c.

Judgments not registered within Twenty-one Days of entering to be void. 12 & 13 Vict. c. 107. s. 13.

CXXIX. If at any Time after *Twenty-one* Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act or of the herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty,) a Commission of Bankrupt shall be issued against the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, then and in such Case, unless such Judgment shall have been duly registered within *Twenty-one* Days from the entering or signing thereof in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignee or Assignees under such Commission, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution: Provided always, that nothing in this Act contained shall repeal or affect the Provisions of the One hundred and tenth, One hundred and eleventh, and One hundred and thirteenth Clauses of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, intituled "An Act for the Amendment of the Law of Bankruptcy in "Ireland," so far as relates to the Effect upon any such Warrant of Attorney or Cognovit actionem, or Plea of Confession and Cognovit actionem, or Acknowledgment or Consent for Judgment, or any Judgment or Execution thereon of the Insolvency of the Person giving, executing, or signing the same.

Fee for Search. 12 & 13 Vict. c. 107. s. 112.

CXXX. There shall be payable to the Masters of the said Superior Courts a Fee of *One Shilling*, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Exemptions from Stamp Duty, &c.

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty. 12 & 13 Vict. c. 106. s. 138.

CXXXI. No Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which, after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively

Exemptions from Stamp Duty, &c.

shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee appointed or chosen under any Bankruptcy, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceedings under any Bankruptcy, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the Dublin Gazette relating solely to Matters in Bankruptcy, shall be liable to any Stamp Duty or to any other Duty whatsoever, *save and except such Stamp Duty as is mentioned in Schedule (C.) to this Act annexed.*

Of the Choice of Assignees, their Rights and Duties.

And with respect to the Choice of Assignees, and their Rights and Duties, be it enacted as follows:

Assignees of the Bankrupt's Estate when and how chosen.
6 & 7 W. 4. c. 14. ss. 55, 72, 80.
12 & 13 Vict. c. 107. ss. 77, 78.
12 & 13 Vict. c. 106. s. 139.

Court may reject or remove any Person chosen as unfit.

CXXXII. At the First Public Sitting appointed by the Court under any Bankruptcy, or at any Adjournment thereof, Assignees of the Bankrupt's Estate and Effects shall and may be chosen and appointed, and all Creditors who have proved Debts to the Amount of *Ten Pounds* and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor, upon Proof of the Execution thereof, either by Affidavit, or by Oath before the Court vivâ voce, and the Choice and Appointment shall be made by the major Part in Value of the Creditors so entitled to vote, provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Joint Creditor entitled to prove under separate Estate for the Purpose of voting in the Choice of Assignees.
6 & 7 W. 4. c. 14. s. 73.
12 & 13 Vict. c. 106. s.140.

CXXXIII. If One or more of the Partners of a Firm be adjudged bankrupt, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm or any of them shall be entitled to prove his Debt for the Purpose only of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificates, or of either such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.
6 & 7 W. 4. c. 14. s. 74.
12 & 13 Vict. c. 106. s. 141.

CXXXIV. When any Person shall have been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or

to

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to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment; and after such Appointment neither the Bankrupt nor any Person claiming through or under him shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt by any Person, according to the Custom of the City of Dublin or otherwise, but such Assignee shall have like Remedy to recover the same in their own Names as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Real Estate to vest in Assignees. 6 & 7 W. 4. c. 14. s. 77. 12 & 13 Vict. c. 106. s. 142.

CXXXV. When any Person shall have been adjudged a Bankrupt, all Lands, Tenements, and Hereditaments, except Copy or Customary-hold, in England, Scotland, Ireland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

Where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of the Appointment of the Assignees shall be registered. 6 & 7. W. 4. c. 14. s. 78.

CXXXVI. Where, according to Law, any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in England, Wales, or Ireland, or in any Registry Office, Court, or other Place in Scotland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then in every such Case the Certificate of the Appointment of Assignees of the Estate and Effects of the Bankrupt shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect, to all Intents and Purposes, as the Registry, Enrolment, or re-

12 & 13 Vict. c. 106. s. 143.

cording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of Great Britain and Ireland, within *Two* Months of the Date of such Appointment, and as regards all other Places, within *Twelve* Months from the Date thereof.

Assignees not to take Crop in any other Way than Bankrupt would have been entitled to do. 12 & 13 Vict. c. 106. s. 144.

CXXXVII. No Assignee of any Bankrupt's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court. 6 & 7 W. 4. c. 14. s. 89. 12 & 13 Vict. c. 106. s. 145.

CXXXVIII. If the Assignees of the Estate and Effects of any Bankrupt having or being entitled to any Land, either under a Conveyance to him in Fee or under an Agreement for any such Conveyance, subject to any perpetual yearly Rent reserved by such Conveyance or Agreement, or having or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land, or the Benefit of such Conveyance or Agreement, or such Lease or Agreement for a Lease, as the Case may be, the Bankrupt shall not be liable to pay any Rent accruing after the issuing of the Commission or filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement or Lease or Agreement for a Lease; and if the Assignees shall decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for a Lease, the Bankrupt shall not be liable, if, within Fourteen Days after he shall have had Notice that the Assignees have declined, he shall deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, to the Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such Land or Conveyance or Agreement for Conveyance, or such Lease

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Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale. 6 & 7 W. 4. c. 14. s. 90. 12 & 13 Vict. c. 106. s. 146.

CXXXIX. If any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them to deliver up the Agreement and the Possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers previously vested in Bankrupt. 6 & 7 W. 4. c. 14. s. 91. 12 & 13 Vict. c. 106. s. 147.

CXL. All Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Court may order Bankrupts to join in Conveyances. 6 & 7 W. 4. c. 14. s. 92. 12 & 13 Vict. c. 106. s. 148.

CXLI. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's Estate, if such Bankrupt shall not try the Validity of the Adjudication, or if there shall have been a Verdict at Law establishing its Validity, to order the Bankrupt to join in any Conveyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt may be redeemed. 6 & 7 W. 4. c. 14. s. 84. 12 & 13 Vict. c. 106. s. 149.

CXLII. If any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day, by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Perfor-

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mance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Assignees may appoint the Bankrupt to superintend the Management of the Estate. 6 & 7 W. 4. c. 14. s. 135. 12 & 13 Vict. c. 106. s. 150.

CXLIII. In every Case the Assignees may, with the Approbation of the Court, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, and in all or any other respects they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

Assignees to be subject to Orders of the Court. 6 & 7 W. 4. c. 14. s. 119. 12 & 13 Vict. c. 106. s. 151.

CXLIV. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and require them to produce all Books, Papers, Deeds, Writings and other Documents relating to the Bankruptcy in their Possession, and to direct them to pay and deliver over to the Official Assignee all Monies, Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees.

In case of a Member of a Firm becoming Bankrupt, the Court may authorize Action or Suit in the Name of the Assignees and of the remaining Partner. 6 & 7 W. 4. c. 14. s. 103. 12 & 13 Vict. c. 107. s. 43. 12 & 13 Vict. c. 106. s. 152. Partner to have Notice, and be at liberty to show Cause. Court may direct Partner to have Part of Proceeds.

CXLV. If any Person adjudged bankrupt shall at the Time of the Adjudication of Bankruptcy be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees, upon their Application, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided, that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

CXLVI. The Assignees, with the Leave of the Court first obtained, upon Application to such Court, but not otherwise, may commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put in respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects

Effects of the Bankrupt; and, with like Leave of the Court, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors or any Proportion of them as the Court shall think fit to direct, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt.

6 & 7 W. 4. c. 14. s. 102. 12 & 13 Vict. c. 106. s. 153.

CXLVII. If the Assignees shall agree in manner aforesaid to refer any Matter in Dispute to Arbitration, such Agreement of Reference may be made a Rule of any of Her Majesty's Superior Courts of Law at Dublin, whether such Agreement contain a Clause to that Effect or not.

Reference to Arbitration may be made a Rule of Court. 12 & 13 Vict. c. 106. s. 154.

CXLVIII. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Commission be afterwards superseded, or the Adjudication of Bankruptcy or Petition for Adjudication be afterwards annulled or dismissed, from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made; and all Persons claiming under him, and all Persons who shall, without Action or Suit, bonâ fide deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him; provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute, supersede, or annul the Commission, Adjudication, or Petition for Adjudication, and such Action, Suit, or other Proceeding shall not have been commenced and prosecuted within the Time and in manner allowed by this Act.

If Commission, Petition, or Adjudication be superseded, &c., Persons from whom the Assignees have recovered, or who have bonâ fide paid the Assignees, &c., discharged from Claims by the Bankrupt; provided they have no Notice of Proceedings to dispute Adjudication. 6 & 7 W. 4. c. 14. s. 108. 12 & 13 Vict. c. 106. s. 155.

CXLIX. If any Assignee, indebted to the Estate of which he is such Assignee in respect of Money being Part of the Estate of the Bankrupt retained or employed by him, become bankrupt, and obtain his Certificate, it shall have the Effect only of freeing his Person from Arrest and Imprisonment, but his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Assignee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of *Five* per Cent. per Annum on the whole Debt.

If Assignee indebted to Bankrupt's Estate, his Certificate shall not discharge his future Effects in respect of such Debt. 6 & 7 W. 4. c. 14. s. 123. 12 & 13 Vict. c. 106. s. 156.

Of the Choice of Assignees, their Rights and Duties.

Suits not to abate by Death or Removal of Assignees.
12 & 13 Vict. c. 107. s. 79.
12 & 13 Vict. c. 106. s. 157.

CL. Whenever an Assignee shall die or be removed, or a new Assignee shall be chosen, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Choice, allow the Name of the surviving or new Assignee to be substituted in the Place of the former, and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignees or Assignee, in the same Manner as if they or he had originally commenced the same.

If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.
6 & 7 W. 4. c. 14. s. 107.
12 & 13 Vict. c. 107. s. 27.
12 & 13 Vict. c. 106. s. 158.

CLI. If the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Official Assignee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Official Assignee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs.
6 & 7 W. 4. c. 14. s. 54.
12 & 13 Vict. c. 106. s. 159.

CLII. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within *Three* Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive such full and reasonable Indemnity, as to all Costs, Charges, and Expenses incurred in and about any such Action, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

Last Examination.

And with respect to the last Examination, be it enacted as follows:

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

CLIII. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in Court, and deliver a Copy thereof to the Official Assignee, *Ten* Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof for that Purpose; and such Balance Sheet and Accounts before such last Examination, may be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Balance Sheet shall have been duly filed as aforesaid; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

6 & 7 W. 4. c. 14. s. 124. 12 & 13 Vict. c. 106. s. 160.

Bankrupt apprehended by Warrant, and submitting, to have same Benefit as if he had voluntarily surrendered.

CLIV. If any Bankrupt apprehended by any Warrant of the Court shall within the Time allowed for him to surrender submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

6 & 7 W. 4. c. 14. s. 133. 12 & 13 Vict. c. 106. s. 161.

Court may adjourn last Examination sine die.

CLV. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination sine die, and in such Case the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint.

6 & 7 W. 4. c. 14. s. 137. 12 & 13 Vict. c. 107. s. 45. 12 & 13 Vict. c. 106. s. 162.

If Bankrupt in Prison or Custody, Court may appoint a Person to attend him with Books, Papers, &c., to enable him to prepare Balance Sheet.

CLVI. Whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination and Discovery thereof.

6 & 7 W. 4. c. 14. s. 138. 12 & 13 Vict. c. 106. s. 163.

Of Proof of Debts, and Payments in full.

And with respect to the Proof of Debts, and Payments in full, be it enacted as follows:

When and how Debts may be proved.

CLVII. At the Sittings appointed by the Court for the Choice of Assignees and for the last Examination of the Bankrupt, and at every adjourned Sitting held for either of such Purposes, and at every other

6 & 7 Will. 4. c. 14. s. 56. 12 & 13 Vict. c. 106. s. 164.

By Corporations, &c.

Sitting held for Proof of Debts, and whereof and of the Purport whereof *Ten* Days Notice shall have been given in the "Dublin Gazette," every Creditor of the Bankrupt may prove his Debt by his own Oath, and all Bodies Politic and public Companies incorporated or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent, and that he is authorized to make such Proof: Provided, that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

Creditor may be examined upon Oath.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove.

6 & 7 W. 4. c. 14. s. 58. 12 & 13 Vict. c. 106. s. 165.

CLVIII. Every Person with whom any Bankrupt shall have really and bonâ fide contracted any Debt or Demand before the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed, provided such Person had not at the Time the same was contracted Notice of any Act of Bankruptcy by such Bankrupt committed.

If Bankrupt an Officer of, and have Monies, &c. in his Hands belonging to, any Friendly Society; Court may order Payment thereof before any of his other Debts are satisfied.

12 & 13 Vict. c. 106. s. 167.

CLIX. If any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being intrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which the Bankrupt received by virtue of his said Office, or employed, before any other of his Debts are paid or satisfied.

Court may order Three Months Wages or Salary to Clerks or Servants.

6 & 7 W. 4. c. 14. s. 59. 12 & 13 Vict. c. 107. s. 40. 12 & 13 Vict. c. 106. s. 168.

CLX. When any Bankrupt shall have been indebted at the Time of issuing the Commission or filing the Petition for Adjudication of Bankruptcy to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding *Three* Months Wages or Salary, and not exceeding *Thirty*

Thirty Pounds, to be paid to such Servant or Clerk out of the Estate of such Bankrupt, and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Wages not exceeding 40*s.* to Labourer or Workman.

12 & 13 Vict. c. 107. s. 40. 12 & 13 Vict. c. 106. s. 169.

CLXI. When any Bankrupt shall have been indebted, at the Time of issuing the Commission or filing the Petition for Adjudication of Bankruptcy, to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding *Forty Shillings*, to be paid to such Labourer or Workman out of the Estate of such Bankrupt, and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Apprentices to Bankrupts discharged from their Indentures.

Court may order any Sum to be repaid in respect of Apprentice Fees.

6 & 7 W. 4. c. 14. s. 170. 12 & 13 Vict. c. 106. s. 170.

CLXII. Where any Person shall have been an Apprentice to a Bankrupt at the Time of the filing of a Petition for Adjudication of Bankruptcy, or of the issuing of a Commission in Bankruptcy, the filing of such Petition or the issuing of such Commission shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and bonâ fide paid by or on the Behalf of such Apprentice to the Bankrupt as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the filing of such Petition or the issuing of such Commission.

Mutual Debts and Credits may be set forth notwithstanding prior Act of Bankruptcy.

6 & 7 W. 4. c. 14. s. 61. 12 & 13 Vict. c. 106. s. 171.

CLXIII. Where there has been mutual Credit given by the Bankrupt and any other Person, or where there are mutual Debts between the Bankrupt and any other Person, the Court shall state the Account between them, and one Debt or Demand may be set against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made proveable against the Estate of the Bankrupt may also be set off, in manner aforesaid, against such Estate, provided that the Person claiming the Benefit of such Set-off had not, when such Credit was given, Notice of an Act of Bankruptcy by such Bankrupt committed.

Of Proof of Debts, and Payments in full.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.
6 & 7 W. 4. c. 14. s. 62. 12 & 13 Vict. c. 106. s. 172.

CLXIV. Any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of *Six* Pounds per Centum per Annum, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts.
6 & 7 W. 4. c. 14. s. 63. 12 & 13 Vict. c. 106. s. 173.

CLXV. Any Person who, at the issuing of the Commission or of filing a Petition for Adjudication of Bankruptcy, shall be Surety, or liable for any Debt of the Bankrupt, or Bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy, if the Creditor shall have proved his Debt under the Bankruptcy, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance admitted to claim, and, after Loss, to prove.
6 & 7 W. 4. c. 14. s. 64. 12 & 13 Vict. c. 106. s. 174.

Persons effecting Insurance admitted to prove any Loss.

CLXVI. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good and valuable Consideration, shall be admitted to claim, and after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not

not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Any Annuity Creditor admitted to prove. 6 & 7 W. 4. c. 14. s. 65. 12 & 13 Vict. c. 106. s. 175.

CLXVII. Any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in under the Bankruptcy. 6 & 7 W. 4. c. 14. s. 66. 12 & 13 Vict. c. 106 s. 176.

CLXVIII. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity, until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity, and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved with Interest thereon at the Rate of *Five Pounds* per Centum per Annum from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt shall be a discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided, that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Debt contingent at the Time of the Bankruptcy to be proveable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency has happened, then after Contingency has happened

CLXIX. If any Bankrupt shall, before the issuing of the Commission or the filing of a Petition for Adjudication of Bankruptcy, have contracted any Debt payable upon a Contingency which shall not have happened before the issuing of such Commission or the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or, if such Value shall not be so ascertained

Amount of Debt may be proved. 6 & 7 W. 4. c. 14. s. 67. 12 & 13 Vict. c. 106. s. 177.

ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened and the Demand been ascertained, Demand may be proved. 12 & 13 Vict. c. 106. s. 178.

CLXX. If any Trader who shall become bankrupt after the *Commencement of this Act* shall have contracted, before the filing of a Petition for Adjudication of Bankruptcy, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not proveable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted to prove such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided such Person had not at the Time such Liability was contracted Notice of an Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem or for Value, if the Goods be unredeemed. 5 & 6 Vict. c. 39. 12 & 13 Vict. c. 106. s. 179.

CLXXI. In case of the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act to amend the Law relating to Advances bonâ fide made to Agents intrusted with Goods," the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy; or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

CLXXII. Upon

Of Proof of Debts, and Payments in full.

Interest upon Debts when proveable though not reserved or agreed for.

6 & 7 W. 4. c. 14. s. 68. 12 & 13 Vict. c. 106. s. 180.

CLXXII. Upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the issuing of the Commission or filing of the Petition for Adjudication of Bankruptcy, and proveable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated at a Rate not exceeding *Five Pounds* per Centum per Annum up to the issuing of the Commission or the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c.

6 & 7 W. 4. c. 14. s. 69. 12 & 13 Vict. c. 106. s. 181.

CLXXIII. If any Plaintiff in any Action at Law or Suit in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt, for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy; and if any Defendant shall have obtained any Judgment, Decree, or Order in any such Action or Suit, or in the Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Proving Debt to be an Election, not to proceed against the Bankrupt by Action.

6 & 7 W. 4. c. 14. s. 70. 12 & 13 Vict. c. 106. s. 182.

CLXXIV. No Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit; and the proving or claiming a Debt under a Commission or Petition for Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Commission or Petition with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignees of the Costs of such Action or Suit so relinquished by him; and that where any such Creditor shall have brought any Action or Suit against such Bankrupt, jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have

Of Proof of Debts, and Payments in full.

so proved or claimed, if the Commission or Petition for Adjudication of Bankruptcy be afterwards superseded or dismissed, may proceed in the Action as if he had not so proved or claimed, and in bailable Actions shall be at liberty, under the Authority of a Judge's Order for that Purpose, obtained in like Manner as may now by Law be done, to arrest the Defendant de novo, if he has not put in Bail below or perfected Bail above, or, if the Defendant has put in or perfected such Bail, to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above, within the first *Eight* Days in Term, after Notice in the Dublin Gazette, of the first superseding or dismissing such Commission or Petition, and by suing the Bail upon their Recognizance if the Condition thereof is broken.

Court may expunge Proof of any Debts which after Investigation do not appear to be due.
6 & 7 Wm. 4. c. 14. s. 71. 12 & 13 Vict. c. 106. s. 183.

CLXXV. Whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of *Twenty Pounds* or upwards, that any Debt proved is not justly due either in whole or in part, such Assignees or Creditors may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person who shall have so proved, together with any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and, if the Court upon the Evidence given on both Sides, or (if the Person who shall have proved shall not attend to be examined, having been first duly summoned, or Notice having been left at his last Place of Abode) upon the Evidence adduced by such Assignees or Creditors, shall be of Opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings; provided, that such Assignees or Creditors requiring such Investigation shall, before it is instituted, sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has proved such Debt, such Costs to be recovered by Application to the Court upon which an Order for Payment thereof may be made by the Court; provided also, that such Assignees or Creditors may apply in the first instance to the Lord Chancellor, or either Party may appeal against the Determination of the Court of Bankruptcy.

Persons requiring Investigation to sign Undertaking for Costs.

Applications may be made in first instance to Lord Chancellor.

Creditors having Security not to receive more than other Creditors.
6 & 7 W. 4. c. 14. s. 126.
12 & 13 Vict. c. 106. s. 184.

CLXXVI. No Creditor, having Security for his Debt, or having made any Attachment in Dublin or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale upon, or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the issuing of the Commission or the filing of a Petition for Adjudication of Bankruptcy: Provided

Of Proofs of Debts and Payments in full.

Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit or Consent to a Judge's Order declared to be null and void by any Provision of this Act, nor to give Validity to any Judgment entered up under or by virtue of any such Warrant of Attorney, or Consent or to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent: Provided also, that nothing contained in this Act shall extend to any Security by Judgment obtained before the First of July One thousand eight hundred and thirty-six, and before the Bankrupt became a Trader liable to be made bankrupt, but such Judgment shall have the same Effect and Priority as if this Act had not been made.

2 & 3 Vict. c. 86. s. 1.

Of the Audit.

And with respect to the Audit, be it enacted as follows:

Appointment for Sitting for Audit. 6 & 7 W. 4. c. 14. s. 124. 12 & 13 Vict. c. 106. s. 185.

CLXXVII. The Court shall, whenever it shall think fit, upon a Public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt (of which Public Sitting and of the Purport whereof Ten Days Notice shall be given in the Dublin Gazette), audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when and on what Account, and how the same has been employed, and the Court shall examine such Statement and compare the Receipt with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively; and it shall be lawful for the Court to examine the Assignees upon Oath touching the Truth of such Accounts, and to make therein all just Allowances.

Court may direct Money to be invested in Exchequer Bills. 6 & 7 W. 4. c. 14. s. 121. 12 & 13 Vict. c. 106. s. 186.

CLXXVIII. The Court may, as often as it shall appear expedient for the Bankrupt's Estate, direct any Money, Part of such Estate, to be invested in the Purchase of Exchequer Bills for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or to be applied for the Benefit of the Creditors, the making of any such Purchase or Sale to be subject to the Rules or Orders at any Time in force under this Act relating to the Purchase, Sale, or Transfer of Exchequer Bills in Bankruptcy.

Of the Dividend.

And with respect to the Dividend be it enacted as follows:

Method of making Dividends.

CLXXIX. The Court shall, whenever it shall think fit, appoint a Public Sitting to be holden after the Sitting appointed for the last

Of the Dividend.

6 & 7 W. 4. c. 14. s. 125. 12 & 13 Vict. c. 106. s. 187.

Examination of the Bankrupt, when there are Assets wherewith a Dividend may be made (of which Public Sitting and of the Purport whereof *Twenty-one* Days Notice shall be given in the Dublin Gazette) to make a Dividend of the Bankrupt's Estate, and shall at such Sitting direct such Part of the net Produce of the Bankrupt's Estate as it may think fit to be forthwith divided amongst such Creditors as have proved Debts under the Bankruptcy in proportion to their respective Debts, and shall make an Order in Writing under the Hand of the Commissioner for Dividend accordingly, to be filed with the Proceedings; which Order shall contain an Account of the Amount of the Debts proved, of the Money to be divided, of how much in the Pound is then required to be paid to the Creditors, and of the Money allowed by the Court to be retained, and of the Reason for retaining the same; and the Official Assignee, in pursuance of such Order, shall forthwith make such Dividend in manner directed by the Rules at any Time in force under this Act relating to the Mode of Payment of Dividends by the Official Assignees, but no Dividend shall be declared unless the Accounts of the Assignees shall have been first audited.

No Dividend without previous Audit.

Final Dividend within 18 Months, except where Suit depending or Estate standing out, &c. 6 & 7 W. 4. c. 14. s. 127. 12 & 13 Vict. c. 106. s. 188.

CLXXX. If the Bankrupt's Estate shall not have been wholly divided upon the First Dividend, the Court shall, within *Eighteen* Months after the issuing of the Commission, or the filing of the Petition for Adjudication of Bankruptcy appoint a Public Sitting (whereof and of the Purport whereof *Twenty-one* Days Notice shall be given in the Dublin Gazette), to make a Second Dividend, when all Creditors who have not proved their Debts may prove the same, and at such Sitting, but after such an Audit as is directed by this Act, shall order the Balance in hand to be forthwith divided among such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within *Two* Months after the same shall be so converted the same shall also be divided in manner aforesaid; and if at the Expiration of *Two* Years from the issuing out of any Commission, or the filing of any Petition for Adjudication of Bankruptcy, there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property, and also the Books of the Bankrupt relating to his Trade, Dealings, or Estate, in such

Outstanding Debts, &c. may be sold by the Assignees after a certain Time under the Order of the Court.

Manner

Of the Dividend.

manner and subject to such Conditions as shall be ordered by the Court, and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees of such Bankrupt might have done.

Debtor and Creditor Account to be furnished by Official Assignee to Creditor's Assignee, &c. before final Dividend.
6 & 7 W. 4. c. 14. s. 36.
12 & 13 Vict. c. 106. s. 189.

CLXXXI. *Fourteen* Days before a final Dividend shall be advertised under any Bankrupt's Estate there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate, a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected, and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall have proved or claimed a Debt, or to any other Person, such other Person paying such Sum, not exceeding *Two Shillings and Sixpence*, as shall be settled by the Court for every such Copy.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.
6 & 7 W. 4. c. 14. s. 129.
12 & 13 Vict. c. 106. s. 190.

CLXXXII. No Action for any Dividend shall be brought against any Assignee by any Creditor who shall have proved under the Bankruptcy; but if the Official Assignee shall refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

Of unclaimed Dividends.

And with respect to unclaimed Dividends, be it enacted as follows:—

Unclaimed Dividends, &c. to be paid into the Bank to the Credit of the Accountant General in Chancery, and carried to "Unclaimed Dividend Account in Bankruptcy."
6 & 7 W. 4. c. 14. s. 128.
12 and 13 Vict. c. 106. ss. 191. 193.

CLXXXIII. All unclaimed Dividends, and also any undivided Surplus of a Bankrupt's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of Ireland, to the Credit of the Accountant General in Chancery, to be carried to the Account intituled "The Unclaimed Dividend Account in Bankruptcy," subject to the Order of the Lord Chancellor, or of the Court of Bankruptcy, for the Payment thereout of any Dividend due to any Creditor.

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

CLXXXIV. Subject to any Rule at any Time in force under this Act relating to unclaimed Dividends, if any Assignee under any Bankruptcy shall have, either in his own Hands, or at any Bankers or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands, or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends, or any such undivided Surplus as aforesaid, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends within *One Year* after the passing of this Act, and as to any future Dividend or Dividends within *Three* Calendar

Of unclaimed Dividends.

Months next, after the Expiration of *One Year* from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors, or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Registrars of the Court of Bankruptcy, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due and of the Amount of such Dividend or Dividends respectively, and shall in like Manner as to any such now existing undivided Surplus as aforesaid within *One Year* after the passing of this Act, and as to any such future undivided Surplus as aforesaid within *Three* Calendar Months next after the Expiration of *One Year* after the final Declaration of Dividends, cause a Certificate, stating the full and true Amount of such Surplus, to be filed in the Office of the said Registrars, and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee shall, within *One Year* next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of Ireland, to the Name of the Accountant General in Chancery, to be carried to the Account intituled "The Unclaimed Dividend Account in Bankruptcy," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors, or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and every Official Assignee shall cause a Certificate to be filed of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management in such Manner, and subject to such Provisions as above prescribed with respect to unclaimed Dividends and undivided Surplus, and as if the Official Assignee had such Dividends or undivided Surplus in his own Hands: Provided always, that no Certificate of any unclaimed Dividends shall be filed until the Expiration of *One Year* after the Declaration and Order for Payment of such Dividends.

Bank of Ireland to receive from Assignees and give Receipt for any Sum mentioned in a Certificate of the Accountant General in Chancery.

CLXXXV. The Accountant General in Chancery shall, on the Application of any Assignee, give to him a Certificate stating the Amount of any Sum of Money which he may be desirous of paying into the Bank of Ireland, under the Provisions herein-before contained, and on the Production of such last-mentioned Certificate the Governor and Company of the Bank of Ireland shall receive the Sum therein mentioned, and give a Receipt for the same, and shall forthwith carry the same to the Credit of the Accountant General in Chancery, to the Account intituled "The Unclaimed Dividend Account in Bankruptcy," and every such Certificate and Receipt shall be given without Fee or Reward.

And

Of Allowances to the Bankrupt.

And with respect to Allowances to the Bankrupt, be it enacted as follows:

Allowance to Bankrupt for Maintenance 6 & 7 W. 4. c. 14. s. 132. 12 & 13 Vict. c. 106. s. 194.

CLXXXVI. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until he shall have passed his last Examination, as shall be necessary for the Support of himself and Family, provided always that no such Allowance shall be made by the Court for any Period after the Adjournment of the last Examination sine die.

Allowance to Bankrupt 5 per Cent., and not exceeding 400*l.* as soon as 10*s.* paid in the Pound. 6 & 7 W. 4. c. 14. s. 146. 12 & 13 Vict. c. 107. s. 61. 12 & 13 Vict. c. 106. s. 195. $7\frac{1}{2}$ per Cent. and not exceeding 500*l.* if 12*s.* 6*d.* 10 per Cent. and not exceeding 600*l.* if 15*s.*

CLXXXVII. Every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy *Ten Shillings* in the Pound, shall be allowed and paid *Five Pounds* per Centum out of such Produce, provided such Allowance shall not exceed *Four hundred Pounds;* and every such Bankrupt if such Produce shall (with or without prior Dividend) pay such Creditors *Twelve Shillings and Sixpence* in the Pound shall be allowed and paid as aforesaid *Seven Pounds Ten Shillings* per Centum, provided such Allowance shall not exceed *Five hundred Pounds;* and every such Bankrupt if such Produce shall (with or without prior Dividend) pay such Creditors *Fifteen Shillings* in the Pound or upwards shall be allowed and paid *Ten Pounds* per Centum, provided such Allowance shall not exceed *Six hundred Pounds:* Provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of *Twelve* Months from the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such *Twelve* Months shall have proved Debts being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to *Ten Shillings* in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding *Three Pounds* per Centum and *Three hundred Pounds.*

Allowance not payable till Twelve Months after the Bankruptcy, and then only if requisite Amount of Dividends paid.

If at the Expiration of Twelve Months the Dividends paid be under 10*s.* Bankrupt may be allowed not exceeding 3 per Cent. and 300*l.*

One Partner may receive Allowance, although other not entitled. 6 & 7 W. 4. c. 14. s. 147. 12 & 13 Vict. c. 107. s. 62. 12 & 13 Vict. c. 106. s. 196.

CLXXXVIII. In all joint Commissions or Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Certificate if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner he shall be entitled to his Allowance although the other Partner may not be entitled to any Allowance.

If the Produce of Estate pay 20*s.* in the Pound and

CLXXXIX. If the Produce of the Estate of any Bankrupt shall be sufficient to pay *Twenty Shillings* in the Pound and Interest as herein-

leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts. 6 & 7 W. 4. c. 14. s. 150. 12 & 13 Vict. c. 106. s. 197.

herein-after mentioned and to leave a Surplus, the Court may order such Surplus to be paid to such Bankrupt, his Executors, Administrators, or Assigns, and every such Bankrupt shall be entitled to recover the Remainder, if any, of the Debts due to him, but such Surplus shall not be paid until all the Creditors who have proved shall have received Interest upon their Debts, to be calculated and paid at the Rate and in the Order following, viz., all Creditors whose Debts are by Law entitled to carry Interest in the event of a Surplus shall first receive Interest on such Debts at the Rate of Interest reserved or by Law payable or proveable thereon, to be calculated from the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy, and after such Interest shall have been paid all other Creditors who have proved shall receive Interest on their Debts from the Date of the Fiat, or of such Petition at the Rate of *Five Pounds* per Centum per Annum.

Of the Certificate of Conformity.

And with respect to the Certificate of Conformity, be it enacted as follows:

Mode of obtaining Certificate of Conformity. 6 & 7 W. 4. c. 14. s. 141. 12 & 13 Vict. c. 107. s. 56. 12 & 13 Vict. c. 106. s. 198.

CXC. Forthwith, after the Bankrupt shall have passed his last Examination the Court shall appoint a Public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof *Twenty-one* Days Notice shall be given in the Dublin Gazette and to the Solicitor of the Assignees), and at such Sitting the Assignees, or any of the Creditors of such Bankrupt who shall have given to the Registrar of the Court *Three* clear Days Notice in Writing of his Intention to oppose, may be heard against the Allowance of such Certificate, and the Court having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require.

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.; no Certificate allowed before the Commencement of this Act shall require Confirmation.

CXCI. The Certificate of Conformity under this Act shall be in Writing under the Seal of the Court and the Hand of the Commissioner, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that so far as the Court can judge there does not appear any Reason to question the Truth or Fulness of such Discovery (and shall be in the Form contained in Schedule (W.) to this Act annexed, or to the like Effect); and Notice of the Allowance of such Certificate shall be advertised in the Dublin Gazette in such Manner as may be directed by any Rule or Order to be made in pursuance of this Act; and every Certificate of Conformity allowed by any Commissioner before the Time appointed

Of the Certificate of Conformity.

pointed for the Commencement of this Act, though not confirmed according to the Laws in force before that Time, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made payable under the Commission.

6 & 7 W. 4. c. 14. s. 141. 12 & 13 Vict. c. 106. s. 199.

CXCII. The Certificate of Conformity allowed under this Act, subject to the Provisions herein contained, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made proveable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt. 6 & 7 W. 4. c. 14. s. 140. 12 & 13 Vict. c. 107. s. 54. 12 & 13 Vict. c. 106. s. 200.

CXCIII. No Bankrupt shall be entitled to a Certificate of Conformity under this Act, and any such Certificate if allowed shall be void, if such Bankrupt shall have lost by any sort of gaming or wagering in One Day *Twenty Pounds*, or within *One Year* next preceding the issuing of the Commission or filing of the Petition for Adjudication of Bankruptcy *Two Hundred Pounds*, or if he shall within One Year next preceding the issuing of the Commission or the filing of such Petition have lost *Two Hundred Pounds* by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within *One Week* after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract; or if such Bankrupt shall, after any Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have parted with, concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Bankruptcy, such Bankrupt being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within *One Month* after such Knowledge.

Bankrupt not entitled to Certificate if he has lost by gaming 20*l.* in One Day, or 200*l.* within 12 Months, or 200*l.* by Stock Jobbing, or concealed or destroyed Books, &c., or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved. 6 & 7 W. 4. c. 14. s. 148. 12 & 13 Vict. c. 107. s. 55. 12 & 13 Vict. c. 106. s. 201.

CXCIV. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor for securing the Payment of any Money due by such Bankrupt at his Bankruptcy as a Consideration, or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, or

Contract or Security to induce Creditor to forbear Opposition void. 6 & 7 W. 4. c. 14. s. 143. 12 & 13 Vict. c. 107. s. 57.

Of the Certificate of Conformity.

12 & 13 Vict. c. 106. s. 202.

or to forbear to petition for the Recal of the same, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the Special Matter in Evidence.

Certificate may be recalled.
12 & 13 Vict. c. 106. s. 203.

CXCV. At any Time within *Six* Months after any Certificate of Conformity shall have been allowed, and subject to such Order as to Deposit of Costs as may by any General Rule or Order to be made in pursuance of this Act be directed, any Creditor of the Bankrupt, or any Assignee official or other, may apply to the Lord Chancellor that such Certificate may be recalled and delivered up to be cancelled, and the Lord Chancellor may, on good Cause shown, order such Certificate to be recalled and cancelled.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.
6 & 7 W. 4. c. 14. s. 149.
12 & 13 Vict. c. 107. s. 60.
12 & 13 Vict. c. 106. s. 204.

CXCVI. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the issuing of the Commission or filing of the Petition for Adjudication of Bankruptcy; and if any Bankrupt be sued upon any such Contract, Promise, or Agreement, he may plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt having obtained his Certificate free from Arrest.
6 & 7 W. 4. c. 14. s. 144.
12 & 13 Vict. c. 107. s. 59.
12 & 13 Vict. c. 106. s. 205.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

CXCVII. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand proveable under his Bankruptcy, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Commission, or Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate not to be delivered to Bankrupt.

CXCVIII. No such Certificate shall be delivered to the Bankrupt until after the Expiration of the Time allowed for entering an Appeal; and

and if an Appeal be duly entered against the Judgment of such Court for the Allowance of the Certificate, or for the Refusal or the withholding of the Certificate, and Notice thereof be given to the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, the Certificate shall be further kept by the Court, and abide the Judgment of the Lord Chancellor thereupon; and upon any Appeal duly entered and prosecuted relating to the Certificate or to the Judgment of the Court as to any Offence under this Act charged against the Bankrupt, the Lord Chancellor shall have Power to rescind or vary the Order of the Court below, or to make such other Order thereon as he may think fit; and upon an Order for the Allowance of any Certificate by the Lord Chancellor, and whether with Conditions or not, or after a Suspension thereof by Order of the Lord Chancellor or not, such Certificate may be allowed and signed by the Court below or by the Lord Chancellor.

until after Expiration of Time for Appeal, and if Appeal duly entered Certificate to be kept by the Court to abide the Judgment of the Lord Chancellor. 12 & 13 Vict. c. 106. s. 206.

CXCIX. The Allowance of the Certificate by the Court, and any Order for the Refusal or Suspension of the Allowance thereof, except in case of Appeal, shall be final and conclusive, and shall not be reviewed by the Court unles, the Court shall thereafter see good and sufficient Cause to believe that the Allowance of such Certificate, or the Refusal or Suspension thereof, has been obtained on false Evidence, or by reason of an improper Suppression of Evidence, or has otherwise been fraudulently obtained; in any of which Cases it shall and may be lawful for the Court, upon the Application of the Bankrupt, or of any Creditor of the Bankrupt, and subject to such Order as to Deposit of a Sum for Costs, and to such Notices to the Bankrupt and to Creditors, by Advertisement or otherwise, as the Court shall think fit, to grant a Rehearing of the Matter, and to rehear the same accordingly; and upon such Rehearing the Court shall make such Order as to the Allowance of the Certificate, or the Refusal or Suspension thereof, as the Justice of the Case may require, in like Manner, upon like Conditions, and having regard to the like Circumstances, so far as the Case will admit, as upon an original Hearing; and in case the Certificate shall have been previously allowed, and upon such Rehearing the Allowance thereof shall not be confirmed, such Certificate shall have no Force or Effect whatever, and the same shall be delivered up to the Court and cancelled.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless fraudulently obtained. 12 & 13 Vict. c. 106. s. 207.

Of Estates Tail.

And with respect to Estates Tail and Base Fees, be it enacted as follows:

CC. Such of the Clauses of an Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act "for the Abolition of Fines and Recoveries, and for the Substitution "of more simple Modes of Assurance in Ireland," as are numbered respectively

Clauses in 4 & 5 W. 4. c. 92. with respect to the Disposition of Estates Tail under Bankruptcies extended to Pro-

ceedings under Petition for Adjudication.

respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and apply to Proceedings in Bankruptcy under a Petition for Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

Of Copyholds.

And with respect to Copyholds, be it enacted as follows:

Court may make Sale of Copyhold Lands for the Benefit of Creditors.
6 & 7 W. 4. c. 14. s. 82.
12 & 13 Vict. c. 106. s. 209.

CCI. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor or Manors whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors any Copyhold or Customaryhold Lands, or any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons on behalf of the Court of Bankruptcy to surrender the same for the Purpose of any Purchaser being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.
6 & 7 W. 4. c. 14. s. 83.
12 & 13 Vict. c. 106. s. 210.

CCII. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Of Arrangements under the Control of the Court.

And with respect to Arrangements between Debtors and their Creditors under the Superintendence and Control of the Court, be it enacted as follows:

Any Trader unable to meet his Engagements with his Creditors may petition the Court for Protection.
12 & 13 Vict. c. 107. ss. 90-107.
12 & 13 Vict. c. 106. ss. 211-223.

CCIII. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of the Court of Bankruptcy, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order, and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several

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several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat or Commission in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy; provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

Petition to be supported by Affidavit.

CCIV. Every such Petition shall be in the Form contained in the Schedule (X.) to this Act annexed, and be filed with the Registrars of the Court of Bankruptcy, and the Date of filing every such Petition shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form contained in Schedule (Y.) to this Act annexed.

Court to appoint private Sitting, and Official Assignee, &c.

CCV. Forthwith after the granting of any Order for Protection the Court shall appoint a private Sitting to be held at such Time and Place as it may name, and shall at the same Time appoint an Official Assignee to act in the Matter of such Petition, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner or any Part thereof shall be possessed and received by such Official Assignee or be taken possession of by the Messenger of the Court, and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignee into the Bank of Ireland to the Credit of such Official Assignee, to be subject to the like Rule and Regulation for the keeping the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting, or any subsequent private Sitting, from Time to Time as it shall think fit; and Notice of such private Sitting shall be given in Writing to every Creditor not less than *Fourteen* Days before the same

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same is held, such Notice to be sent by Post addressed to every Creditor at his last known Place of Business or Residence

Petitioning Debtor to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with Copy.

CCVI. Such Petitioning Trader shall, *Ten* Days before the Date appointed for the private Sitting of the Court, file in Court, and in such Form as may by any Rule or Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what Kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignee with a Copy of such Account.

At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of Ten Pounds and upwards assent to Proposal, Sitting for Confirmation be appointed.

CCVII. At the private Sitting of the Court appointed in manner herein-before mentioned, or at any Adjournment thereof, the Creditors shall prove their Debts, such Proofs to be in all respects as Proofs in Bankruptcy, and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof *Three Fifths* in Number and Value of the Creditors who have proved Debts to the Amount of *Ten Pounds* shall assent to the Proposal of such Petitioner, or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal, and such Second Sitting shall be held not earlier than *Fourteen* Days from the First Sitting, and Notice thereof in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Sitting *Seven* clear Days at least before the Day appointed for such Second Sitting: Provided always, that the Court, if it shall think fit, may make Order in any special Case that Service of such Notice at the last known Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCVIII. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts, and if *Three Fifths* in Number and Value of those who have proved Debts to the Amount of *Ten Pounds* shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings of the Court; and the Court, if it shall think the same reasonable and proper to be executed

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executed after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case; provided, however, that no such Protection shall be valid in favour of any such Petitioner who shall be proved to have been about to abscond beyond the Jurisdiction of the Court, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Account filed by such Petitioner, nor against any Creditor whose Debt has been contracted by such Petitioner by any manner of Fraud or Breach of Trust.

Person authorized by Letter of Attorney may vote.

CCIX. Any Person duly authorized by Letter of Attorney from any Creditor who has proved a Debt to the Amount of *Ten* Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee, either alone or (if required by Resolution) jointly with any other Person.

CCX. From and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignee (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution,) as fully as if such Official Assignee were an Assignee under any Bankruptcy, and every such Official Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation, or Removal of any such Official Assignee the Court shall have Power to appoint another, and if the Estate and Effects shall have vested in such Official Assignee the same shall vest in the new Official Assignee so appointed in the same Manner as in Bankruptcy.

Provision as to Trustees under 12 & 13 Vict. c. 107.

CCXI. Where any Trustee shall have been appointed under any Petition which shall have been presented to the Commissioner under the Provisions of the Statute Eleventh and Twelfth Victoria, Chapter One hundred and seven, relative to Arrangements between Debtors and their Creditors, such Trustee shall have the same Rights and be subject to the same Obligations, and discharged and

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replaced in the same Manner and with the same Consequences, as if he were an Official Assignee appointed in a like Case under this Act.

Official Assignee to file Account every Six Months.

CCXII. The Official Assignee shall once at least in every *Six* Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to his Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear to be just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c., a special Sitting may be held.

CCXIII. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held, and the Resolution of the Majority of the Creditors at such Sitting who have proved Debts to the Amount of *Ten* Pounds to confirm, alter, or annul the whole or any Part of such Resolution or Agreement shall be as valid as if it had been Part of the original Resolution or Agreement; provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting, the Resolution thereof shall not be valid unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCXIV. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under the Hand and Seal of the Commissioner, in the Form contained in the Schedule (Z.) to this Act annexed, setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate, to all Intents and Purposes, as fully as if the same were a Certificate of Conformity under a Bankruptcy, except only that any Debt which shall have been contracted, wholly or in part, by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously

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maliciously suing out a Commission or Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, shall not be barred by such Certificate.

Court, on being satisfied that Official Assignee has fully performed his Trust, to give him a Certificate thereof.

CCXV. The Court, on being satisfied that the Official Assignee has fully performed his Trust, shall give to him a Certificate thereof in the Form contained in Schedule Aa. to this Act annexed, and such Certificate shall be a full Release and Acquittance to such Official Assignee, both in Law and Equity, for all Matters done by him as such Official Assignee.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the Public Court, &c.

CCXVI. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition shall be dismissed; and if at the First private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to, or if at any Time after the filing of any Petition for Protection it shall be shown to the Satisfaction of the Court by any Creditor that the Debts of such Petitioner or any Part thereof have been contracted by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or if it shall be shown that the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a bonâ fide Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or that he has postponed the Presentation of his Petition longer than was excusable, or if within *Three* Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the Public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thence-

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forth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of such Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters, and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

Of Arrangements by Deed.

And with respect to Arrangements by Deed, be it enacted as follows:

Deed of Arrangement entered into between any Debtor and his Creditors, and executed by Six Sevenths in Number and Value of the Creditors whose Debts amount to Ten Pounds and upwards, and binding on all. 12 & 13 Vict. c. 106. ss. 224-229.

CCXVII. Every Deed or Memorandum of Arrangement now or hereafter entered into between any such Trader and his Creditors, and signed by or on behalf of *Six Sevenths* in Number and Value of those Creditors whose Debts amount to *Ten Pounds* and upwards, touching such Trader's Liabilities and his Release therefrom, and the Distribution, Inspection, Conduct, Management, and Mode of winding up of his Estate, or all or any of such Matters, or any Matters having Reference thereto, shall (subject to the Conditions herein-after mentioned) be as effectual and obligatory in all respects upon all the Creditors who shall not have signed such Deed or Memorandum of Arrangement as if they had duly signed the same, and such Deed or Memorandum when so signed shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent Act of Bankruptcy: Provided always, that every Creditor shall be accounted a Creditor in Value in respect of such Amount only as upon an Account fairly stated, after allowing the Value of mortgaged Property and other such available Securities as Liens from such Trader, shall appear to be the Balance due to him.

Deed not to be effectual upon Creditor who has not signed until after Expiration of Three Months from Notice of Suspension and of proposed Deed, unless Court shall otherwise order.

CCXVIII. No such Deed or Memorandum of Arrangement shall be effectual or obligatory upon any Creditor who shall not have signed the same until after the Expiration of *Three* Months from the Time at which such Creditor shall have had Notice from such Trader of his Suspension of Payment and of such Deed or Memorandum of Arrangement, unless such Trader shall within such Time obtain from the Court an Order or Certificate of the said Court declaring or certifying that such Deed or Memorandum of Arrangement has been duly signed by or on behalf of such Majority of the Creditors as aforesaid, and it shall be lawful for the Court to make such Order or Certificate on the Petition of any such Trader, and to exercise Jurisdiction in and over the Matters of any such Application, and no Creditor who shall not have

have had *Fourteen* Days Notice of any intended Application for such Order or Certificate as aforesaid shall be bound thereby.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed; such Certificate shall be filed, &c.

CCXIX. When the Trustee or Inspector under any such Deed or Memorandum of Arrangement, or, if there shall be no such Trustee or Inspector, when any *Two* of the Creditors, shall be satisfied that *Six Sevenths* in Number and Value of the Creditors whose Debts amount to *Ten Pounds* and upwards have signed such Deed or Memorandum, it shall be lawful for such Trustee or Inspector, or for such *Two* Creditors, as the Case may be, to certify the same to the Court in Writing, and such Certificate shall be filed with the Registrars of the Court, and shall thereupon be primâ facie Evidence in all Courts of Law and Equity that such Deed or Memorandum of Arrangement has been so signed.

Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of arranging Debtor.

CCXX. Every such Certificate as last aforesaid shall have appended thereto a full Account of the Debts of such Trader, together with the Names, Residences, and Occupations of his Creditors, and shall be accompanied by an Affidavit by such Trader verifying the same; and any Omission in such Account, or the Insertion therein of any Debt not really existing, or of any larger Amount of Debt than that really existing, and which shall appear to the Court to have been made through the culpable Negligence or Fraud of such Trader, with Intent to defraud any of his Creditors, shall deprive him of the Benefit of the Provisions of this Act with respect to Arrangements by Deed, and of the Discharge proposed in any such Deed or Memorandum of Arrangement: Provided always, that any Omission, Insertion, or Incorrectness in such Account which shall not have been made through such culpable Negligence or Fraud as aforesaid shall not defeat or otherwise affect such Deed or Memorandum of Arrangement.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons.

CCXXI. The Creditors of every such Trader shall have the same Rights respectively, as to Set-off, mutual Credit, Lien, and Priority, and joint and separate Assets shall be distributed in like Manner, as in Bankruptcy; and no Creditor shall be prejudiced or affected by being a Party to any such Deed or Memorandum of Arrangement as aforesaid, or by the same being obligatory upon him, as to his Right or Remedy against any Person other than such Trader; and every Person who would be entitled to prove in Bankruptcy shall be deemed a Creditor within the Meaning of the Provisions of this Act with respect to Arrangements by Deed.

In case of improper Administration,

CCXXII. If any Creditor of any Trader shall be desirous to show that the Administration of the Estate of such Trader has not been duly

any Creditor may apply to the Court.

duly conducted in conformity with such Deed or Memorandum of Arrangement, it shall be lawful for him to apply to the Court by Petition, supported by Affidavit, stating any Facts or Circumstances to show that such Administration has not been duly conducted, and thereupon the Court shall have full Power and it is hereby fully authorized to consider the Subject Matter of such Application, and, if it shall think fit, may direct any Inquiry, and in such Manner as it shall think proper, into the Subject of such Application, and generally may make such Order and exercise such Jurisdiction in or over the Subject Matter of such Application, and the Costs thereof, as to the said Court shall appear just.

Composition after Bankruptcy.

And with respect to the Composition after Adjudication of Bankruptcy, be it enacted as follows:

If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition, the same shall bind the rest.
6 & 7 W. 4. c. 14. s. 151.
12 & 13 Vict. c. 107. s. 86.
12 & 13 Vict. c. 106. s. 230.

CCXXIII. Any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof and of the Purport whereof *Twenty-one* Days Notice shall be given in the Dublin Gazette); and if the Bankrupt or his Friends shall make an Offer of Composition, and *Nine Tenths* in Number and Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid; and if at such Second Meeting *Nine Tenths* in Number and Value of the Creditors then present shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy and supersede or dismiss the Commission or Petition for Adjudication; and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition.
6 & 7 W. 4. c. 14. s. 152.
12 & 13 Vict. c. 107. ss. 87–89.
12 & 13 Vict. c. 106. s. 231.

CCXXIV. In deciding upon the Offer of Composition, no Creditor whose Debt is below *Twenty* Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value, and every Creditor to the Amount of *Fifty* Pounds and upwards, residing out of Ireland, shall be personally served with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat, and such Creditor shall be entitled to vote by Letter of Attorney executed and attested in manner aforesaid for a Creditor's voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall

shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

And with respect to Evidence, be it enacted as follows:

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Officer of Court to produce Proceedings and give Copies thereof. 12 & 13 Vict. c. 106. s. 233. 6 & 7 W. 4. c. 14. ss. 109–111. 12 & 13 Vict. c. 107. s. 84.

CCXXV. The proper Officer of the Court shall, on the reasonable Request of any Bankrupt or arranging Debtor, or of any Creditor of such Bankrupt, having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Debtor, or Creditor, produce and show to such Bankrupt, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, and Petition for Arrangement, against or by such Bankrupt, and all Orders and Proceedings under any such Commission, Petion, or Adjudication; and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times, of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt or Debtor in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide for any such Bankrupt, Debtor, Creditor, or Attorney requiring the same any Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as may be authorized in that Behalf.

If Bankrupt do not dispute the Commission, the Gazette to be conclusive Evidence of the Bankruptcy, as against the Bankrupt and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt.

CCXXVI. If the Bankrupt shall not, (if he were within the United Kingdom at the Date of the Adjudication,) within *Twenty-one* Days after the Advertisement of the Bankruptcy in the Dublin Gazette, (or if he were in any other Part of Europe at the Date of the Adjudication,) within *Three* Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within *Twelve* Months after such Advertisement have commenced an Action, Suit, or other Proceeding to dispute, supersede, or annul the Commission, or the Petition for Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged

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bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the issuing of such Commission, or before the Date and filing of the Petition for Adjudication, and that such Commission was issued forth or such Petition filed on the Day on which the same is stated in the Gazette to bear Date.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed. 6 & 7 W. 4. c. 14. s. 104. 12 & 13 Vict. c. 106. s. 234.

CCXXVII. In any Action other than an Action brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained an Action had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant, at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Assignees or other Person that he intends to dispute some, and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice, and such Costs shall, if such Assignees or other Person shall obtain a Verdict, be added to the Costs, and if the other Party shall obtain a Verdict shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignees or other Person.

The same in Suits in Equity. 6 & 7 W. 4. c. 14. s. 105. 12 & 13 Vict. c. 106. s. 235.

CCXXVIII. In all Suits in Equity other than a Suit brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained a Suit in Equity had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within *Ten* Days after Rejoinder give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Proceedings purporting to be sealed with the

CCXXIX. Any Commission, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, Petition for Arrangement between a Debtor and his Creditors, Assignment, Appointment of Assignees, Certificate,

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Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall, at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof; and no such Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Commissions of Bankruptcy, Depositions and other Proceedings under the same, which may have been entered of Record before the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the Irish Parliament, Eleventh and Twelfth George the Third, Chapter Eight, and the Act Sixth and Seventh William the Fourth, Chapter Fourteen, or his Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything herein-before contained notwithstanding.

Seal of the Court receivable in Evidence.
6 & 7 W. 4. c. 14. s. 114.
12 & 13 Vict. c. 106. s. 236.

11 & 12 G. 3. c. 8 [I.]
6 & 7 W. 4. c. 14.

CCXXX. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Judicial of Signature of Commissioner or Registrar, and of the Seal of the Court to be taken Notice.
12 & 13 Vict. c. 106. s. 237.

CCXXXI. A Copy of a Declaration of Insolvency under this Act, purporting to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration having been filed.

Evidence of Declaration of Insolvency.
12 & 13 Vict. c. 106. s. 238.

CCXXXII. A Copy of any Petition filed in the Court for Relief of Insolvent Debtors in Ireland, or in any Court for Relief of Insolvent Debtors at Calcutta, Madras, or Bombay, or at the Settlement of Prince of Wales Island, Singapore, and Malacca, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same,

Copy of Petition, &c. under Insolvent Debtors Act in Ireland, or in India, &c., to be admitted as Evidence.
12 & 13 Vict. c. 106. s. 239.

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same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Advertisements when Evidence. 12 & 13 Vict. c. 106. s. 240.

CCXXXIII. A Copy of the Dublin Gazette, and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement, and all Proceedings or Notices required by this Act to be inserted in the Dublin Gazette shall be marked with the Seal of the Court, and certified by One of the Registrars of the Court.

On Death of Witness, Office Deposition or Copy thereof to be Evidence. 6 & 7 W. 4. c. 14. s. 113. 12 & 13 Vict. c. 106. s. 242.

CCXXXIV. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn. 12 & 13 Vict. c. 107. s. 69. 12 & 13 Vict. c. 106. s. 243.

CCXXXV. All Affidavits to be made or used in Matters of Bankruptcy, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Commissioner or Registrar thereof, or before a Master Ordinary or Extraordinary of the High Court of Chancery in Ireland, or before the Examiner of any such Master in Ordinary, or, in England or Scotland, either before any Commissioner appointed by the Court of Chancery in Ireland for taking Affidavits, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a British Minister, Consul or Vice-Consul.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison. 12 & 13 Vict. c. 106. s. 244.

CCXXXVI. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in Ireland, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within *Twelve* Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols, and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

Evidence may be taken vivâ voce or upon Affidavit. 6 & 7 W. 4. c. 14. s. 155. 12 & 13 Vict. c. 106. s. 245.

CCXXXVII. The Lord Chancellor or the Court of Bankruptcy may in all Matters within their respective Jurisdictions take the whole or any Part of the Evidence, either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit.

CCXXXVIII. All

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Bankrupt and Bankrupt's Wife to be examined upon Declaration. 12 & 13 Vict. c. 106. s. 246.

CCXXXVIII. All Persons who are now or shall hereafter be declared Bankrupts under any Commission or Petition for Adjudication of Bankruptcy, and the Wives of such Persons respectively, shall and may be examined before the Court, after making and signing the Declaration contained in the Schedule (T.) to this Act annexed, without being sworn on Oath.

For facilitating the Examination of Witnesses at a Distance from Dublin.

CCXXXIX. For the Purpose of facilitating the Examination of Witnesses at a Distance from Dublin, it shall be lawful for the Court, either before or after Adjudication on the Application of any Person interested in the Estate of the Bankrupt or alleged Bankrupt, or liable to be examined with reference thereto, or of its own Discretion, to direct that an oral Examination of Witnesses shall be held at any Place in the United Kingdom of Great Britain and Ireland, not being distant from the Court of Bankruptcy less than *Twenty* Miles, subject to the following Provisions:—

First. The Direction shall be given by an Order under the Hand of a Commissioner and the Seal of the Court:

Second. The Order shall specify where and when, and before whom the Examination is to be held, and the Matters upon which Evidence is to be taken, and what Parties are to be entitled to attend such Examination:

Third. The Examiner to be named in the Order shall be either such Person as the Parties appearing before the Court on the Application for such Examination shall, with the Approbation of the Court, appoint, or such Person, being a practising Barrister or Solicitor, and resident near the Place of Examination, as the Court shall appoint: Provided, that in the Case of any Examination in Ireland the Court may, if it shall think fit, appoint the Stipendiary Magistrate nearest to the Place of Examination to take such Examination, and he shall thereupon be bound to take the same, without Fee or Reward:

Fourth. Every Person, other than a Stipendiary Magistrate, who shall be appointed to be such Examiner, shall, before entering on his Office, take the following Oath before a Notary Public, or a Master Extraordinary of the High Court of Chancery in Ireland, or before a Commissioner appointed to administer Oaths in the High Court of Chancery in England:

'In the Matter of *A.B.* a Bankrupt [*or* alleged 'Bankrupt].

'You shall, according to the best of your Skill and Know-'ledge, truly, faithfully, and without Partiality to any or 'either of the Parties in this Matter, take the Examinations 'and Depositions of all and every Witness and Witnesses

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'produced and examined by virtue of the Order of the Court 'of Bankruptcy herein dated the Day of 18 , 'and duly and faithfully transmit such Depositions, when 'completed, to the said Court.

'So help you GOD.'

Fifth. The Witnesses to be examined shall be summoned, and may be required to produce Books, Papers, Deeds, Writings, and other Documents in the same Manner as Witnesses to be examined before the Court, and the Examiner shall have Power to administer an Oath to every Witness:

Sixth. The Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and the Witnesses shall be examined orally, and shall be subject to Cross-examination and Re-examination:

Seventh. The Depositions taken upon such Examination shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him in the Presence of the Parties:

Eighth. In case the Witness shall refuse to sign the Depositions, then the Examiner shall sign the same, and such Examiner may upon all Examinations state any special Matter to the Court as he shall think fit: Provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions; but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just:

Ninth. When the Examination of Witnesses before the Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Court, to be there filed:

Tenth. In case it shall become necessary or expedient, for the Purposes of any such Examination, that the Books, Papers, or other Documents in the Custody of the Court relating to the Estate or Dealings of any Bankrupt should be transmitted to the Examiner so to be appointed as aforesaid, it shall be lawful for the Court to direct the whole or any Part of such Books,

Papers,

Papers, or Documents to be so transmitted to him, either through the Post or in any other Way which the Court shall direct, and the same shall remain in his Custody during the Continuance of such Examination, and on the Conclusion thereof shall be returned and transmitted to the Court in like Manner and along with the Depositions:

Eleventh—The Court, in granting an Application for an Examination in the Country, may impose such Terms as to Costs or otherwise as it shall think fit, and it shall also be lawful for the Court to order the Payment of the Costs of and incident to any such Examination, or any Part thereof, to be borne either by the Estate of the Bankrupt or otherwise, by such Parties and in such Manner as it may think fit: Provided always, that the Amount to be allowed to any Examiner specially appointed as aforesaid in respect of his Attendance at any such Examination shall be regulated in such Manner as shall be prescribed by any Order of the Lord Chancellor in that Behalf.

Of Solicitors.

With respect to Solicitors be it enacted:

Every Solicitor of the High Court of Chancery duly admitted as a Solicitor in the Court of Bankruptcy may practise in the Court. 6 & 7 W. 4. c. 14. s. 16. 12 & 13 Vict. c. 106. s. 247.

CCXL. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in Dublin may appear and plead any Proceedings in the Court, without being required to employ Counsel; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of Contempt of Court, and be liable to all the Penalties incident thereto; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

Of Costs.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict. c. 105. to be applicable to this Act.

And with respect to Costs, be it enacted as follows:

CCXLI. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, and intituled "An Act for abolishing Arrest on Mesne "Process in Civil Actions, except in certain Cases, for extending the "Remedies of Creditors against the Property of Debtors, and for the "further Amendment of the Law and the better Advancement of "Justice in Ireland," so far as the same relate to Orders of the Lord Chancellor or of the Court of Commissioners of Bankruptcy therein referred to in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the Master of the Rolls and the Court of Commissioners of Bankruptcy in Matters of Bankruptcy shall extend to and be applicable to Orders of the Lord Chancellor and of the Commissioners of Bankruptcy in Matters of Bankruptcy under this Act.

Of Costs.

Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at Dublin.
12 & 13 Vict. c. 107. s. 80.
12 & 13 Vict. c. 106. s. 249.

CCXLII. The Court may in all Matters before it award such Costs as to such Court shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at Dublin may be recovered, and the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs.

Witnesses, and Persons known or suspected to have Bankrupt's Property, &c., entitled to Costs of Attendance, &c.
6 & 7 W. 4. c. 14. ss. 48. 69.
12 & 13 Vict. c. 106. s. 260.

CCXLIII. Every Person summoned to attend before the Court, or on any Examination of Witnesses directed by the Court, as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, shall have such Costs and Charges as the Court in its Discretion shall think fit: Every Witness summoned to attend before the Court, or on such Examination, shall have his necessary Expenses tendered to him, in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

Of Offences against the Law of Bankruptcy, &c.

And with respect to Offences against the Law relating to Bankruptcy, and other Matters in this Act, be it enacted as follows:

Bankrupt not surrendering, or not delivering up Books, &c., or removing, concealing, or embezzling Estate.
6 & 7 W. 4. c. 14. s. 130.
12 & 13 Vict. c. 107. s. 44.
12 & 13 Vict. c. 106. s. 251.

CCXLIV. If any Person adjudged bankrupt shall not, upon the Day limited for his Surrender, and before *Three* of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the Dublin Gazette of the issuing of the Commission or filing of the Petition for Adjudication of Bankruptcy against him, as the Case may be, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time; or if any such Bankrupt upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, (and all Books, Papers, and Writings relating thereunto, except such Part as shall have been really and bonâ fide before sold or disposed of in the Way of his Trade, or laid out in the ordinary Expense of his Family); or if any such Bankrupt upon such Examination shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary Wearing Apparel

of

of himself, Wife, and Children); or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors; every such Bankrupt shall be deemed guilty of Felony, and be liable to Transportation for Life, or for such Term not less than *Seven* Years as the Court before which he shall be convicted shall adjudge, or shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Seven* Years.

Of Offences against the Law of Bankruptcy, &c.

CCXLV. If any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour.

Bankrupt destroying or falsifying Books, &c. 12 & 13 Vict. c. 107. s. 46. 12 & 13 Vict. c. 106. s. 252.

CCXLVI. If any Bankrupt shall, within *Three* Months next preceding the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels, with Intent to defraud the Owner thereof, or if any Bankrupt shall, within such Time, and with such Intent, remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Bankrupt within Three Months preceding his Bankruptcy obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade. 12 & 13 Vict. c. 107. s. 47. 12 & 13 Vict. c. 106. s. 253.

CCXLVII. Any Bankrupt or Bankrupt's Wife who shall upon any Examination upon Affirmation, or after making and signing the Declaration authorized or directed by this or any other Act relating to Bankrupts, and any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or solemn Affirmation so authorized or directed, or in any Affidavit or Deposition or solemn Affirmation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

False Evidence. 6 & 7 W. 4. c. 14. s. 117. 12 & 13 Vict. c. 107. s. 73. 12 & 13 Vict. c. 106. s. 254.

CCXLVIII. If any Bankrupt shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the

Court may direct Prosecution.

12 & 13 Vict. c. 107. s. 53. 12 & 13 Vict. c. 106. s. 255.

Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of his Estate and Effects, or if there be no such Estate and Effects then out of the Monies standing in the Bank of Ireland to the Credit of the Account, intituled the "Bankruptcy and Compensation Fund Account," and such Assignees shall thereupon institute and carry on such Prosecution accordingly; and in case the said Assignees shall refuse or neglect to institute and carry on such Prosecution, no reasonable Impediment being made known to and allowed by the Court, the Court may order the same to instituted and carried on either by the Official Assignee alone or by the Creditors making such Request, as the Court may think fit.

If at Sitting for last Examination it appear that Bankrupt has been guilty of certain Offences, further Protection to be refused, and if at Sitting for Allowance of Certificate it appear that he has been guilty of any of such Offences, Court to refuse or suspend Certificate, and to refuse further Protection. 12 & 13 Vict. c. 106. s. 256.

CCXLIX. If at the Sitting appointed for the last Examination of any Bankrupt, or at any Adjournment thereof, it shall appear to the Court that the Bankrupt has committed any of the Offences hereinafter enumerated, the Court shall refuse to grant the Bankrupt any further Protection from Arrest; and if at any Sitting or adjourned Sitting for the Allowance of the Certificate of any Bankrupt it shall appear that he has committed any of such Offences, the Court shall refuse to grant such Certificate, or shall suspend the same for such Time as it shall think fit, and shall in like Manner refuse to grant the Bankrupt any further Protection:

Offences referred to:

First—If the Bankrupt shall at any Time after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, or within *Two* Months next preceding the issuing of such Fiat or the filing of such Petition, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, have destroyed any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate:

Second—If the Bankrupt shall, with the like Intent, have kept or caused to be kept false Books, or have made false Entries in, or withheld Entries from, or wilfully altered or falsified, any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate:

Third—If the Bankrupt shall have contracted any of his Debts by any Manner of Fraud, or by means of false Pretences, or shall by any Manner of Fraud, or by means of false Pretences, have obtained the Forbearance of any of his Debts by any of his Creditors:

Fourth—If the Bankrupt shall, at any Time within *Two* Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, fraudulently, in contemplation

tion of Bankruptcy and not under Pressure from any of his Creditors, with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have paid or satisfied any such Creditor, wholly or in part, or have made away with, mortgaged, or charged any Part of his Property, of what Kind soever:

Fifth—If the Bankrupt shall, at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have concealed from the Court or his Assignees any Debt due to or from him, or have concealed or made away with any Part of his Property, of what Kind soever:

Sixth—If the Bankrupt shall, under his Bankruptcy, or at any Meeting of his Creditors within *Three* Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have attempted to account for any of his Property by fictitious Losses or Expenses:

Seventh—If the Bankrupt shall, within *Six* Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have put any of his Creditors to any unnecessary Expense by any vexatious and frivolous Defence or Delay to any Suit for the Recovery of any Debt or Demand provable under his Bankruptcy, or shall be indebted in Costs incurred in any Action or Suit so vexatiously brought or defended:

Eighth—If the Bankrupt shall, at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have wilfully prevented or withheld the Production of any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate:

Ninth—If the Bankrupt shall during his Trading have wilfully, and with Intent to conceal the true State of his Affairs, have omitted to keep proper Books of Account, or shall wilfully, and with Intent to conceal the true State of his Affairs, have kept his Books imperfectly, carelessly, and negligently.

Assignees and Creditors who have proved to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of a Judgment of Superior Court at Dublin. 12 & 13 Vict. c. 106. s. 257.

CCL. The Assignees for the Time being of the Estate and Effects of any Bankrupt, when the Accounts relating to his Estate shall have become Records of the Court, shall be deemed Judgment Creditors of such Bankrupt for the total Amount of the Debts which shall by such Accounts appear to be due from him to his Creditors; and every Creditor of any Bankrupt, immediately after the Proof of his Debt shall have been admitted, shall be deemed a Judgment Creditor of such Bankrupt to the Extent of such Proof; and the Court, when it

Of Offences against the Law of Bankruptcy, &c.

it shall have refused to grant the Bankrupt any further Protection, or shall have refused or suspended his Certificate, shall, on the Application of such Assignees or of any such Creditor, grant a Certificate under the Seal of the Court in the Form contained in Schedule (A b.) to this Act annexed; and every such Certificate shall have the Effect of a Judgment entered up in One of Her Majesty's Superior Courts of Common Law at Dublin, until the Allowance of the Certificate of Conformity of such Bankrupt, and the Assignees or the Creditor, to whom, according to such Certificate, the Bankrupt shall be indebted as therein mentioned, shall be thereupon entitled to issue and enforce a Writ of Execution against the Body of such Bankrupt; and the Production of any such Certificate to the proper Officer of any such Superior Court shall be sufficient Authority to him, and seal such Writ, and it shall be lawful for such Superior Courts to make such Orders and Rules in that Behalf as to them shall seem fit: Provided always, that every such last-mentioned Certificate shall be deemed to have been cancelled and discharged by the Allowance of the Certificate of Conformity of such Bankrupt from the Time of such Allowance; provided also, that no Execution by virtue of any Certificate which shall be granted to any Creditor or Assignees as aforesaid shall be issued, nor shall any such Certificate or Execution in any Manner affect any Estate or Effects which shall come to or be acquired by the Bankrupt after the Allowance of his Certificate of Conformity.

Assignees for the Time being may issue Execution on such Certificate. 12 & 13 Vict. c. 106. s. 258.

CCLI. The Assignees for the Time being may issue and enforce Execution upon any such Certificate as last aforesaid, as fully to all Intents and Purposes as the Assignees to whom such Certificate shall have been originally granted.

Bankrupt taken in Execution not to be discharged except by Order of the Court. 12 & 13 Vict. c. 106. s. 259.

CCLII. If any Bankrupt shall be taken in Execution, after the Refusal of Protection, or after the Refusal or Suspension of his Certificate, he shall not be discharged from such Execution until he shall have been in Prison for the full Period of *One Year*, except by Order of the Court: Provided always, that this Enactment shall not take effect until after the Expiration of *Six* Months from the Commencement of this Act, and then only against such Persons as shall have been adjudged bankrupt under this Act, and for Offences committed after the Commencement of this Act.

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCLIII. If any Bankrupt, or the Wife of any Bankrupt, shall refuse to make out and sign the Declaration contained in the Schedule (U.) to this Act annexed, or if any other Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court or by any Person authorized under the Provisions of this Act to take Examination, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination

Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents, in his Custody or Power, relating to any of the Matters under Inquiry, which such Bankrupt, Wife of the Bankrupt, or Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Bankrupt, Wife of such Bankrupt, or other Person to such Prison as such Court shall think fit, there to remain without Bail until he shall submit himself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

6 & 7 W. 4. c. 14. ss. 47. 49. 50. 12 & 13 Vict. c. 106. s. 260.

CCLIV. If any Person be committed by the Court for refusing to answer or for not fully answering any Question put to him by the Court, or by such Person authorized as herein-before mentioned, such Court shall in its Warrant of Commitment specify every Question; provided, that if any Person so committed shall bring any Habeas Corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas Corpus any such Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Person shall be brought by Habeas Corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain until he shall conform, unless it shall be shown to such Court or Judge by the Person committed that he has fully answered all lawful Questions put to him by the Court or by some Person authorized as herein-before mentioned, or if such Person was committed for refusing to be sworn or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient Reason for the same; provided also, that such Court or Judge shall, if required thereto by the Person committed, in case the whole of the Examination of the Person so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Person whereof any such Question was a Part, and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Questions to be particularly specified on Warrant. 6 & 7 W. 4. c. 14. s. 52. 12 & 13 Vict. c. 107. s. 49. 12 & 13 Vict. c. 109. s. 261.

CCLV. If it shall at any Time be made to appear to the Court that any Assignee under any Commission or Adjudication of Bankruptcy

Assignees retaining unclaimed Dividends, &c.

6 & 7 W. 4. c. 14. s. 128. 12 & 13 Vict. c. 106. s. 262.

ruptcy has, either in his own Hands or in the Hands of any Attorney, or at any Banker's, or otherwise subject to his Order or Disposition, or knows that there is or are in the Hands or subject to the Order and Disposition of himself or any Co-Assignee, any unclaimed Dividends or any undivided Surplus, and that such Assignee has not caused a Certificate thereof to be filed as in this Act above required, containing a full and true Account of the Names of the Creditors to whom such unclaimed Dividends are due, and of the Amount of such Dividends, and as to any undivided Surplus caused a Certificate stating the true and full Amount of such Surplus to be filed, and has not, as in this Act above required, paid over to the Account intituled "The Unclaimed Dividend Account in Bankruptcy" the Amount of such unclaimed Dividends, or so much thereof as shall not have been paid to the Creditors or other Persons entitled thereto, and also the Amount of such undivided Surplus, every such Assignee shall be charged in account with the Estate of the Bankrupt with Interest upon the Amount of such unclaimed Dividends or undivided Surplus at the Rate of *Five Pounds* per Centum per Annum, to be computed from the Time at which such Certificate is required to be filed, for such Time as he shall thenceforth, either solely or together with any Co-Assignee or other Person, retain such Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Court shall direct, not exceeding in the whole at the Rate of *Twenty Pounds* per Centum per Annum, to be computed from the Time aforesaid; and it shall be lawful for the Court to order that such Sum or Sums be forthwith paid into the Bank of Ireland to the Credit of the Accountant General in Chancery, to the Account intituled "The Unclaimed Dividend Account in Bankruptcy," and also to make such Order as to Costs as the Justice of the Case shall seem to require.

Official Assignee not filing Certificate of unclaimed Dividends subject to Penalty. 12 & 13 Vict. c. 106. s. 263.

CCLVI. The Neglect of any Official Assignee to file a Certificate, as required by this Act, of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management, shall be subject to the Provisions herein-before contained with respect to the unclaimed Dividends and undivided Surplus therein mentioned, and as if such Official Assignee had such Dividends and undivided Surplus in his own Hands.

Such unclaimed Dividends to be paid or carried to the unclaimed Dividend Account. 12 & 13 Vict. c. 106. s. 264.

CCLVII. Such last-mentioned unclaimed Dividends and undivided Surplus, and any Penalty payable by any Official Assignee in respect thereof, shall be paid into the Bank of Ireland, and carried to the Credit of the Accountant General in Chancery, to the said Account intituled "The Unclaimed Dividend Account in Bankruptcy."

CCLVIII. If

CCLVIII. If any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain or employ, any Sum to the Amount of more than *One hundred Pounds*, Part of the Estate of any Bankrupt, or shall neglect to invest any Money in the Purchase of Exchequer Bills when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of *Twenty* per Centum per Annum on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same in the Purchase of Exchequer Bills, and the Court is hereby required to charge every such Assignee in his Account accordingly.

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent. 6 & 7 W. 4. c. 14. s. 122. 12 & 13 Vict. c. 106. s. 265.

CCLIX. If any Person shall disobey any Rule or Order of the Court, duly made by such Court for enforcing any of the Purposes and Provisions of this Act or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, the Court may, by Warrant in the Form contained in Schedule (Ab.) to this Act annexed, commit the Person so offending to Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain, without Bail or Mainprise, until such Court or the Lord Chancellor shall make Order to the contrary.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court, or the Lord Chancellor, shall otherwise order. 12 & 13 Vict. c. 106. s. 266.

CCLX. If the Debt stated by the Petitioning Creditor in his Affidavit, or in his Petition for Adjudication, and verified by Affidavit, to be due to him from any Trader, shall not be really due, or if after a Commission issued or Petition for Adjudication of Bankruptcy filed it shall not have been proved that the Person against whom such Commission has been issued or Petition filed had committed an Act of Bankruptcy, and was a Trader at the Time of the issuing of the Commission or filing of such Petition, and it shall also appear that such Commission was issued or that such Petition was filed fraudulently or maliciously, the Court shall and may, upon Petition of the Person against whom any such Commission or Petition was so issued or filed, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

If Debt sworn to by Petitioning Creditor be not due, or if Act of Bankruptcy be not proved, and it appear that the Commission or Petition was issued or filed fraudulently or maliciously, Court may order Satisfaction. 12 & 13 Vict. c. 106. s. 267.

CCLXI. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver

Petitioning Creditor compounding with Trader after Bankruptcy. 6 & 7 W. 4. c. 14. s. 224. 12 & 13 Vict. c. 106. s. 268.

deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Concealing Bankrupt's Effects.
6 & 7 W. 4. c. 14. s. 139.
12 & 13 Vict. c. 106. s. 269.

CCLXII. Any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not within *Forty-two* Days after the issuing of the Commission or the filing of the Petition for Adjudication of Bankruptcy discover such Estate to the Court or to the Assignees, shall forfeit the Sum of *One hundred Pounds* and *double* the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Assignees any Part of such Bankrupt's Estate not before come to the Knowledge of the Assignees shall be allowed *Five* per Centum thereupon, and such further Reward as the Assignees with the Consent of the Court shall think fit, to be paid out of the Estate recovered on such Discovery.

Allowance to Persons making Discovery.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate.
6 & 7 W. 4. c. 14. s. 143.
12 & 13 Vict. c. 107. s. 58.
12 & 13 Vict. c. 106. s. 270.

CCLXIII. If any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt, or to forbear to petition for the Recal of the same, every such Creditor so offending shall forfeit and lose for every such Offence the *Treble* Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be).

Officers, &c. taking Fees improperly.
6 & 7 W. 4. c. 14. s. 157.
12 & 13 Vict. c. 106. s. 271.

CCLXIV. If any Commissioner, Registrar, Accountant, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever shall, for anything done or pretended to be done under this Act or any other Act relating to Bankrupts, or under colour of doing anything under this Act, or any such other Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or anything of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person when duly convicted thereof shall forfeit and pay the Sum of *Five hundred Pounds*, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.
12 & 13 Vict. c. 106. s. 272.

CCLXV. Any Person who shall insert or cause to be inserted in the Dublin Gazette or in any Newspaper any Advertisement under this Act without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

CCLXVI. If

Of Offences against the Law of Bankruptcy, &c.

Forging Signature of Commissioner or Officer, or the Seal of Court. 12 & 13 Vict. c. 106. s. 273.

CCLXVI. If any Person shall forge the Signature of any Commissioner or Registrar, or of the Accountant General in Chancery, or of any other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any such Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Accountant, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain official and other Documents."

Gaoler suffering Persons committed to escape. 12 & 13 Vict. c. 106. s. 274.

CCLXVII. If any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit Five hundred Pounds.

Application of Forfeitures. 6 & 7 W. 4. c. 14. s. 118. 12 & 13 Vict. c. 106. s. 275.

CCLXVIII. All Sums of Money forfeited under this Act or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized may be sued for by the Assignees of the Estate and Effects of any Bankrupt connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record; and the Money so recovered (the Charges of Suit being deducted) shall be paid over to the Bank of Ireland, to the Credit of the Accountant General in Chancery, to the Account intituled "The Bankruptcy and Compensation Fund Account."

Definition of Terms, &c.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

CCLXIX. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Lord Chancellor."

The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Court."

The Term "the Court" and the Term "Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy in Ireland, and shall mean also and include any Commissioner or Commissioners

Definition of Terms, &c.

of Her Majesty's Court of Bankruptcy in Ireland, constituting and acting as a Court under this Act:

"Annulling." The Term "annulling" shall mean also and include "superseding;"

"Month." The Term "Month" shall mean a Calender Month:

"Assignees." The Term "Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt:

"Oath." The Term "Oath" shall be deemed to include the Declaration or Affirmation of any Person authorized by Law to declare or affirm:

"Bank of Ireland." The Term "Bank of Ireland" shall include all Branches thereof:

"Suitors Fee Fund." The Term "The Suitors Fee Fund" shall mean the Suitors Fee Fund of the Court of Chancery in Ireland:

Number and Gender. Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One:

Where any particular Number of Days is prescribed for doing of Act, how Time to be reckoned. And in all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act for the doing of Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday, or Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also.

Aliens and Denizens. CCXX. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
6 & 7 W. 4. c. 14.	An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
1 Vict. c. 48. - -	An Act to appoint a Second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86.	An Act to amend an Act passed in the Session holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.
3 & 4 Vict. c. 105.	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.
3 & 4 Vict. c. 107.	An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	Clauses XXVII. and XXVIII. in the Copy printed by Her Majesty's Printers.
7 & 8 Vict. c. 90.	An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland, and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI., XXXVII., and XXXVIII. of the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48.	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
12 & 13 Vict. c. 107.	An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole, except so much of Sections 110. 111., and 113. as relate to Insolvent Debtors.

SCHEDULE (B.)

The Irish Bankrupt Law Consolidation Act, 1854.

RETURN by One of the Official Assignees of the Court of Bankruptcy in Ireland, showing the State of every Bankruptcy under his Charge, and not finally wound up on the 31st Day of December 18 .

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
Name of Bankrupt.	Gross Amount of Debts and Liabilities stated in the Bankrupt's Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignee for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignee.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Bankrupt's Books and Accounts.	Bankruptcies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 , inclusive.	Certificates allowed.

SCHEDULE (C.)

Document.	*Stamp Duty in lieu of Fees.*
	£ *s.* *d.*
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors under the Superintendence and Control of the Court, or for Certificate of Arrangement by Deed - -	*5* *0* *0*
Every Declaration of Insolvency - - - -	*0* *2* *6*
Every Summons of Trader Debtor - - - -	*0* *2* *6*
Every Admission or Deposition of Trader Debtor -	*0* *2* *6*
Every Bond with Sureties - - - -	*0* *5* *0*
Every Application for Search for Petition or other Proceeding (except Search for the Appointment of any Sitting or Meeting) - - - - -	*0* *1* *0*
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements, where such Bill of Cost shall not exceed £5 - - - -	*0* *1* *6*
Exceeding £5 and not exceeding £10 - - -	*0* *2* *6*
„ 10 „ 20 - - -	*0* *5* *0*
„ 20 „ 30 - - - -	*0* *7* *6*
„ 30 „ 50 - - -	*0* *10* *0*
„ 50 „ 100 - - -	*0* *15* *0*
„ 100 „ 150 - - -	*1* *0* *0*
„ 150 „ 200 - - -	*1* *10* *0*
„ 200 „ 300 - - -	*2* *0* *0*
„ 300 „ 500 - - -	*3* *0* *0*
„ 500 - - - - -	*5* *0* *0*

SCHEDULE (D.)

The Irish Bankrupt Law Consolidation Act, 1855.

Declaration of Insolvency by Trader.

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be*], this Day of in the Year of our Lord .

Witness, (Signed) *E.F.*

G.H. Attorney of the Court.

SCHEDULE (E.)

The Irish Bankrupt Law Consolidation Act, 1855.

Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt Law Consolidation Act, 1855."

Victoria, *&c.*

To *C.D.* of, *&c.* Esquire, having Privilege of Parliament, greeting:

We command you, that within *One Calendar Month* next after personal Service hereof on you, you do cause an Appearance to be entered for you in our Court of in an Action at the Suit of *A.B.*, and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt Law Consolidation Act, 1855," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you within *One Calendar Month* next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy, from the Time of the Service hereof.

Witness at Dublin, the Day of .

This Writ is to be served within *Four* Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

SCHE-

SCHEDULE (F.)

The Irish Bankrupt Law Consolidation Act, 1854.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, that *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt Law Consolidation Act, 1854," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or* last] personally [*or otherwise according to the Fact*] serve the said *E.F.* with a true Copy of the said Account and Notice.

SCHEDULE (G.)

The Irish Bankrupt Law Consolidation Act, 1854.

Particulars of Demand and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord .

SCHEDULE (H.)

The Irish Law Consolidation Act, 1854.

Summons of Trader Debtor.

These are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy,

in Street in the City of Dublin on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in manner and form prescribed by "The Irish Bankrupt Law Consolidation Act, 1854," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord .

(Signed) *C.D.*
Commissioner.

SCHEDULE (I.)

The Irish Bankrupt Law Consolidation Act, 1854.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Dublin,
Day of *A.D.*

Whereas I, the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating in manner prescribed by "The Irish Bankrupt Law Consolidation Act, 1854," whether or not I admit the Demand of *A.B.*, of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, that I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of that is to say, in the Sum of].

(Signed) *E.F.*

SCHEDULE (J.)

The Irish Bankrupt Law Consolidation Act, 1854.

Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.

Court of Bankruptcy, Dublin,
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, that he verily believes he has a good

good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Honourable Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,

J.K. Commissioner.]

SCHEDULE (K.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.* amounting to the Sum of or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he the said *A.B.* hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]:

* And whereas an Action wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant is now depending in [*Name of Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void

and of no Effect, but otherwise shall be and remain in full Force and Virtue, [*or, if an Action has not been already brought, insert, instead of the Paragraph following the*, these Words:* Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or* last-mentioned Sum, *as the Case may require,*] this Obligation shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue].

SCHEDULE (L.)

The Irish Bankrupt Law Consolidation Act, 1854.

Admission of Debt by Trader Debtor signed out of Court.

I, the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of

(Signed) *E.F.*

Dated this Day of A.D.

Witness,

G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (M.)

The Irish Bankrupt Law Consolidation Act, 1854.

Petition by a Creditor for Adjudication of Bankruptcy.

To the Court of Bankruptcy.

The humble Petition of

Showeth,

That being a Trader, is indebted unto your Petitioner in the Sum of *50l.* [if Two Petitioners *70l.*, and if Three or more *100l.*, *as the Case may be*], and that your Petitioner has been informed and believes that the said did lately commit

commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said .

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18 , in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners alter the Form accordingly, and let it be signed by One on behalf of himself and Partners. If the Petition be by several not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petition be against Partners alter the Form accordingly.

SCHEDULE (N.)

The Irish Bankrupt Law Consolidation Act, 1854.

Affidavit of Truth of Allegations in Petition.

Day of A.D.

of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath, and saith that the several Allegations in the said Petition are true.

Sworn at this Day of 18 , before me.

If the Petitioner affirm alter the Form accordingly.

SCHEDULE (O.)

The Irish Bankrupt Law Consolidation Act, 1854.

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy.

The humble Petition of

Showeth,

That your Petitioner being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in manner and form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court

that his available Estate is sufficient to pay his Creditors at least *5s.* in the Pound.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18 ,

in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (P.)

General Docket Book.

Name of Bankrupt.	Residence.	Trade.	Petitioning Creditor.	Solicitor.	Date of filing Petition.	Commissioner.	Date of Adjudication.	When advertised.	When annulled.	Time allowed to Petitioning Creditor for Proceeding extended.	Date of Certificate of Conformity.

SCHEDULE (Q.)

The Irish Bankrupt Law Consolidation Act, 1854.

Order for Petition for Adjudication of Bankruptcy to be proceeded in on a substituted Debt.

Court of Bankruptcy, Dublin,

Day of A.D.

In the Matter of a Bankrupt.

Upon Application made to the Court this Day by [*of* Counsel *or* Solicitor] for a Creditor of the above-named Bankrupt, and who has proved a Debt of sufficient Amount to support an Adjudication, and the Debt of the Petitioning Creditor having been found by the Court to be insufficient to support the Adjudication of Bankruptcy against the above-named

it is

it is hereby ordered that the Petition for Adjudication of Bankruptcy filed against the said on the Day of be proceeded in, and that the Costs of, &c. [*stating such Order as to Costs of any of the Parties concerned as the Court thinks fit*].

A.B., Commissioner.

SCHEDULE (R.)

The Irish Bankrupt Law Consolidation Act, 1854.

Order annulling Adjudication.

Court of Bankruptcy, Dublin,
Day of A.D.

In the Matter of

Upon reading the Proceedings in the above Matter, and upon hearing [the Evidence now adduced, *if the Case be so*, and] what was alleged by and being satisfied that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy [*or specify the particular Matter deemed insufficient, as the Case may require,*] upon which the Adjudication of Bankruptcy made against the said on the Day of was grounded were and are [*or* was and is] insufficient to support such Adjudication, and no other Debt, Trading, or Act of Bankruptcy [*or specify the particular Matter requisite in lieu of that deemed insufficient, as the Case may require,*] sufficient to support such Adjudication being proved, I do order that the Adjudication of Bankruptcy made against the said on the said Day of be annulled, and the same is hereby annulled accordingly.

A.B., Commissioner.

SCHEDULE (S.)

The Irish Bankrupt Law Consolidation Act, 1854.

Search Warrant.

Day of A.D.

Whereas, by Evidence duly taken upon Oath, it hath been made to appear to the Satisfaction of me, the undersigned Commissioner of the Court of Bankruptcy, acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed and now in Prosecution against *A.B.* of in the County of bearing Date the Day of and under which the said *A.B.* has been adjudged bankrupt, that there is Reason to

suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be,*] of one *C.D.* of in the County of such House not belonging to the said Bankrupt; these are therefore, by virtue of the Irish Bankrupt Law Consolidation Act, 1854, to authorize and require you, with necessary and proper Assistance, to enter, in the Daytime, in the House [*or other Place, describing it, as the Case may be,*] of the said *C.D.*, situate at aforesaid, and there diligently to search for the said Property; and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court this Day of in the Year of our Lord One thousand eight hundred and

A.B. L.S.

To my Commissioner.
Messenger and his Assistants.

If there be Reason to suspect that the Bankrupt and his Property are concealed, alter the Warrant accordingly.

SCHEDULE (T.)

The Irish Bankrupt Law Consolidation Act, 1854.

Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.

I, *A.B.*, the Person declared a Bankrupt under a Commission of Bankruptcy, issued the Day of [*or* under a Petition for Adjudication of Bankruptcy, filed on the Day of in the Year of our Lord] [*or* I, *C.D.*, the Wife of *A.B.* declared a Bankrupt under a Commission of Bankruptcy, issued the Day of or under a Petition for Adjudication of Bankruptcy, filed on the Day of] do solemnly promise and declare, that I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*,
[*or C.D.*, the Wife of the said *A.B.*]

SCHE-

SCHEDULE (U.)

The Irish Bankrupt Law Consolidation Act, 1854.

Admission of Debt by Creditor of Bankrupt.

I, the undersigned *I.K.* of do hereby in open Court confess that I am indebted to *E.F.* of a Bankrupt, in the Sum of upon the Balance of Accounts between myself and the said *E.F.*

(Signed.) *I.K.*

Witness, *G.H.*, Attorney of One of the Superior Courts, and named by the said *I.K.* [*or named by the Court*], acording to the Irish Bankrupt Law Consolidation Act, 1854.

SCHEDULE (V.)

The Irish Bankrupt Law Consolidation Act, 1854.

Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt.

Court of Bankruptcy, Dublin, Day of A.D.

In the Matter of a Bankrupt:

Whereas of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt in the Sum of upon the Balance of Accounts between the said and the said Bankrupt.

It is hereby ordered, that the said do pay to the Official Assignee of the Estate and Effects of the said Bankrupt, in full Discharge of the Sum so admitted, the Sum of forthwith, [*or if otherwise, state the Time and Manner of Payment,*] and that the said do also pay to the said Official Assignee the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar. *A.B.*, Commissioner.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Persons summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt, alter the Form accordingly.

SCHEDULE (W.)

The Irish Bankrupt Law Consolidation Act, 1854.

Certificate of Conformity.

I Esquire, of the Commissioners of Her Majesty's Court of Bankruptcy in Ireland, acting in the Prosecution of a Commission of Bankruptcy issued the Day of [*or* a Petition for Adjudication of Bankruptcy filed against and bearing Date the Day of One thousand eight hundred and , do certify, That the said became bankrupt before the issuing of the said Commission [*or* Date and filing of the said Petition], within the true Intent and Meaning of the Law of Bankruptcy, and was thereupon adjudged bankrupt accordingly: And I further certify, that due Notice was given in the Dublin Gazette of such Commission having been issued [*or* Petition having been filed], and of the Adjudication thereon, and that Two public Sittings for the said Bankrupt to surrender and conform were duly appointed, the last of which said Sittings was appointed to be on the Day of last: And I further certify, that such Two several Sittings were had pursuant to such Notice, and that before *Three* of the Clock upon the said Day of the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time upon Oath: And I further certify, that the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all Things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery: And I further certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy in Dublin, I held a public Sitting for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given); and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

[*If the Certificate be allowed with Conditions the same to be inserted here.*]

Given

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, this Day of in the Year of Our Lord One thousand eight hundred and

Signed and sealed in the Presence of

A. B. (L. S.)
Commissioner.

In case of Adjournment, or of the Allowance of the Certificate having been suspended, or of the Allowance thereof by the Lord Chancellor, or upon a Re-hearing, alter the Form accordingly.

SCHEDULE (X.)

The Irish Bankrupt Law Consolidation Act, 1854.

Petition for Arrangement.

To the Court of Bankruptcy in Ireland.

The humble Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt Law Consolidation Act, 1854."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays, that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors may be determined) may be carried into effect under the Superintendence and Control of this Honourable Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (Y.)

[*If the Petitioner affirm alter the Form accordingly.*]

The Irish Bankrupt Law Consolidation Act, 1854.

Affidavit in support of Petition for Arrangement.

of in the of

the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true, and that he, this Deponent, hath Assets ready to be produced to this Honourable Court to the Value of *200l.* and upwards.

Sworn at this Day of One thousand eight hundred and . Before me.

SCHEDULE (Z.)

The Irish Bankrupt Law Consolidation Act, 1854.

Certificate to Petitioning Trader.

Court of Bankruptcy, Dublin, Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to this Honourable Court under the Provisions of "The Irish Bankrupt Law Consolidation Act, 1854," praying that a certain Proposal, or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors might be determined, should be carried into effect under the Superintendence and Control of the said Court: And whereas One of the Commissioners of the said Court acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, I hereby certify the several Matters aforesaid under my Hand and Seal of the Court, this Day of 18

A.B. (L.S.)

Commissioner.

SCHE-

SCHEDULE (A a.)

The Irish Bankrupt Law Consolidation Act, 1854.

Certificate to Official Assignee (*or to a Trustee under the* 12 *&* 13 *Vict. c.* 107.)

Court of Bankruptcy, Dublin. Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court under the Provisions of "The Irish Bankrupt Law Consolidation Act, 1854," praying that a certain Proposal should be carried into effect under the Superintendence and Control of the said Court: And whereas One of the Commissioners of the said Court acting in the Matter of the said Petition, caused certain Sittings of the Court to be held, pursuant to the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking the same to be reasonable and proper to be executed under the Directiou of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Official Assignee or Trustee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust, I hereby certify the same under my Hand and Seal of the Court, this Day of 18 .

A.B. (L.S.)
Commissioner.

SCHEDULE (A b.)

The Irish Bankrupt Law Consolidation Act, 1854.

Certificate to Assignees or to a Creditor, to entitle them to issue a Writ of Execution.

Court of Bankruptcy, Dublin. Day of A.D.

In the Matter of a Bankrupt.

I hereby certify, That *A.B.* of and *C.D.* of , Assignees of the Estate and Effects of the above-named Bankrupt, are Creditors of the said Bankrupt as such Assignees for the Sum of in trust for the Creditors of the said Bankrupt [*or* that *E.F.* of is a Creditor of the said Bankrupt for the Sum of], and that the said

Bankrupt is not protected by this Court from Process against his Person.

G. H., Commissioner.

I. J., Registrar.
(Seal of the Court.)

SCHEDULE (B a.)

The Irish Bankrupt Law Consolidation Act, 1854.

Warrant against Person disobeying any Rule or Order of Court.

Whereas by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Irish Bankrupt Law Consolidation Act, 1854, [*or if any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent, for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly,*] it was ordered, that [*&c. &c. as in the Rule or Order:*]

And whereas it is now proved, that after the making of the said Rule [*or* Order], that is to say, on this Day of a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order], at the same Time shown to him; but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order].

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain without Bail or Mainprise until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court of Bankruptcy, this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)
Commissioner.

To my Messenger or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

Bankruptcy.

(Ireland.)

A

BILL

To amend and consolidate the Law of Bankruptcy in Ireland.

(*Prepared and brought in by Mr. Cairns and Mr. Napier.*)

Ordered, by The House of Commons, *to be Printed*
16 *May* 1855.

[Bill 129.]

Under 8 *oz.*

(Ireland.)

A

B I L L

TO

Consolidate and amend the Laws of Bankruptcy and Insolvency in Ireland.

WHEREAS it is expedient to amend and consolidate the Acts relating to Bankrupts and Insolvents in Ireland, and to abolish the Court of Bankruptcy and the Court for Relief of Insolvent Debtors in Ireland, and to constitute a new Court as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. From and after the Commencement of this Act, the Court of the Commissioners of Bankruptcy in Ireland and the Court for Relief of Insolvent Debtors in Ireland now existing under certain of the Acts mentioned in Schedule (A.) to this Act annexed shall be respectively discontinued, and all the Powers, Authorities, and Jurisdictions of the said Courts respectively shall for the Purposes of all Proceedings now pending therein be transferred to and vested in the Court constituted under this Act. 6 & 7 W. 4. c. 14. 12 & 13 Vict. c. 107. 3 & 4 Vict. c. 107.

II. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, Certain Acts and Parts of Acts repealed.

annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceedings taken or to be taken after the Commencement of this Act upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before the Commencement of this Act, and except also so far as may be necessary for the supporting or continuing of any Proceedings taken before the Commencement of this Act in the Court for the Relief of Insolvent Debtors in Ireland, or to be taken after the Commencement of this Act on any Petition filed or Order made before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Short Title.

III. This Act may be cited for all Purposes as "The Irish Bankrupt and Insolvent Act, 1855."

Definition of Terms, &c.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

IV. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Lord Chancellor:" "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Court." "The Court" shall mean Her Majesty's Court of Bankruptcy and Insolvency in Ireland, and shall mean also and include any Judge or Judges of Her Majesty's Court of Bankruptcy and Insolvency in Ireland constituting and acting as a Court under this Act:

"Annulling" "Annulling" shall mean also superseding:

"Month:" "Month" shall mean a Calendar Month:

"Person:" "Person" shall include Body Corporate:

"Assignees:" "Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt or Insolvent, and shall include the Official and Trade Assignees:

"Oath:" "Oath" shall include Declaration or Affirmation:

"Bank

"Bank of Ireland" shall include all Branches thereof: "Bank of Ireland:"

"Petition of Bankruptcy" shall mean Petition for Adjudication of Bankruptcy: "Petition of Bankruptcy:"

"Bankrupt" shall mean any Person who on any Petition of Bankruptcy shall have been adjudged by the Court to be a Bankrupt: "Bankrupt:"

"Petition of Insolvency" shall include every Petition for the Benefit of this Act by an Insolvent, or by any Creditor against such Insolvent: "Petition of Insolvency:"

"Insolvent" shall mean any Person who shall file a Petition for his Discharge as an Insolvent Debtor, or against whom a Creditor shall file a Petition of Insolvency pursuant to this Act: "Insolvent:"

"Registrar" shall include the Chief Registrar: "Registrar:"

"Creditor" shall mean also any Two or more Persons being Partners: "Creditor:"

"Gazette" shall signify Dublin Gazette: "Gazette:"

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One: Number and Gender.

And in all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act for the doing of Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday or Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. Where any particular Number of Days is prescribed for doing any Act, how Time to be reckoned.

V. This Act, unless where otherwise specially provided, shall commence on the *Day of* *One thousand eight hundred and fifty-* . Act to commence on 185 .

VI. After the *Commencement of this Act*, no Commission of Bankrupt shall be issued, but all Proceedings in Bankruptcy shall be instituted, and Proceedings for Arrangement between Debtors being Traders liable to become bankrupt and Creditors may be taken, according to the Provisions of this Act: All Commissions of and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of this Act, shall be carried on and prosecuted in the Court now constituted under this Act; and for that All Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act. 12 & 13 Vict. c. 106. s. 4. 3 & 4 Vict. c. 107. s. 1.

that Purpose the Court shall have all the Power, Jurisdiction, and Authority now possessed by the Commissioners of Bankruptcy in Ireland; but nothing in this Act contained shall render invalid any Proceedings in Bankruptcy, or any Commission of Bankrupt, or any Petition for Arrangement, depending at the Commencement of this Act, or any Proceedings which may have been taken under such Bankruptcy Commission or Petition, or affect any Right or Remedy which any Person may have by virtue thereof, or affect any Right or Remedy which any Person may have against any Bankrupt against whom any Commission shall have been issued, or against any such Trader who shall have presented such Petition, except as in this Act is hereafter specially provided: All the Powers vested in the Court for the Relief of Insolvent Debtors in Ireland shall be and the same are hereby continued and vested in the Court constituted by virtue of this Act, as herein-after provided, in so far as the same relate to or may be exercised in the Matters of the Petitions of any Persons who before the Time appointed for the Commencement of this Act shall have petitioned the said Court now established for Relief of Insolvent Debtors in Ireland, or of any Persons who had obtained their Discharge by virtue of any Act for Relief of Insolvent Debtors in Ireland, and all things shall and may be done by all Persons relating to the Matter of all such Petitions which such Persons might have done if the Laws now in force as to Insolvent Debtors had been continued by this Act.

In construing former Acts, &c., with reference to Petition for Adjudication under this Act, Commission to be deemed to have issued at the Time of filing Petition. 12 & 13 Vict. c. 106. s. 5.

VII. Wherever in any Act of Parliament or otherwise Mention shall have been made of any Commission of Bankrupt, it shall be construed with reference to the Proceedings under a Petition of Bankruptcy as if such Commission had been actually issued at the Time of filing such Petition.

Constitution of the Court, &c.

And with respect to the Court and its Jurisdiction:

Court of Bankruptcy and Insolvency.

VIII. The present Commissioners of Bankrupt in Ireland shall be Judges for the Purposes of this Act, as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy and Insolvency."

Appointment of Judges. 6 & 7 W. 4. c. 14. s. 3. 1 Vict. c. 48. 3 & 4 W. 4. c. 47.

IX. The said Court of Bankruptcy and Insolvency shall consist of *Two* Judges: Upon a Vacancy in the Office of Judge in Bankruptcy and Insolvency, it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of Ireland, to appoint any Person, being a Barrister-at-Law of not less than *Ten* Years standing, to fill such Vacancy; and every such Judge shall hold his Office during good Behaviour, notwithstanding the Demise of

of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon on Address in that Behalf from both Houses of Parliament.

Constitution of the Court, &c.

X. Every Judge to be appointed in pursuance of this Act shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,)

'I A.B. do swear, That I will faithfully, honestly, and impartially, 'according to the best of my Skill and Knowledge, execute the 'several Powers and Trusts reposed in me as a Judge in Bankruptcy 'and Insolvency, and that without Favour or Affection, Prejudice or 'Malice. So help me GOD.'

The Oath of Office. 6 & 7 W. 4. c. 14. s. 4.

XI. No such Judge shall during his Continuance in such Office be capable of being elected a Member of the House of Commons.

Judges not to be elected Members of the House of Commons. 6 & 7 W. 4. c. 14. s. 6.

XII. There shall be paid out of the Consolidated Fund to each such Judge the yearly Sum of *Two thousand Pounds.*

Salary. 6 & 7 W. 4. c. 14. s. 10. 1 Vict. c. 48.

XIII. The Judges of the Court of Bankruptcy and Insolvency shall take Rank and Precedence next after the Judges of the Superior Courts of Law in Ireland.

Precedence of Judges. 5 & 6 Vict. c. 122. s. 64.

XIV. All Matters which on the said *Day of* shall be pending in the said Courts hereby discontinued, or either of said Courts, with all the Proceedings therein, shall be by Force of this Act transferred to the said Court of Bankruptcy and Insolvency in Ireland, there to be carried on, prosecuted, dealt with, and decided according to the Practice of that Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court.

XV. On the said *Day of* the Offices of the said Commissioners of the Courts hereby discontinued shall be abolished; and all Petitions, Affidavits, and other Proceedings of the said Courts, and all Minute and Account Books and all other Books and Documents relating to the Proceedings of the said Courts respectively, or lodged in the said Courts, shall on the said *Day of* , or as soon after as conveniently may be, be delivered by the several Officers of the said Courts having Custody of the same to such Person or Persons as shall be appointed by the Lord Chancellor to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed Records of the Court of Bank-

Constitution of the Court, &c.

ruptcy and Insolvency in Ireland, as fully as if the same had originally been like Records of the said Court.

13 & 14 Vict. c. 51. ss. 3–11.

XV A. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Rules and Orders as by this Act directed for carrying the Purposes of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Courts, and in particular for the auditing of Assess Accounts, and for arranging and distributing the Balances of the Balances in the Hands of Assignees or to their Credit with the Bank of Ireland, and for the carrying on and winding up the Matters so transferred.

The Court to be a Court of Law and Equity. &c. 12 & 13 Vict. c. 106. s. 6. 3 & 4 Vict. c. 107. s. 106.

XVI. The Court shall for the Purposes of this Act be a Court of Law and Equity and a Court of Record: All Records and Proceedings in Bankruptcy existing at the Commencement of this Act, in the Custody of the Commissioner, the Secretary of Bankrupts, and Clerk of Inrolments in Bankruptcy, shall be kept as Records and Proceedings in the Office of the Court; and all Records, Documents, and Papers of and concerning Persons discharged by virtue of the several Acts passed for the Relief of Insolvent Debtors in Ireland shall, immediately after the passing of this Act, be delivered over to the Registrar of the Court by the Officer or Officers or other Persons having the Custody of the same, and shall be kept as Records and Proceedings in the Office of the Court, or in such Place as the Judges of the Court by any General Order shall direct.

Judge shall form the Court. 1 Vict. c. 48. s. 2.

XVII. Each Judge acting for the Time being shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided; and every Act of any One Judge in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Judge, without the Consent of the other, to rescind any Order made by the other when sitting alone.

The Judges may make Rules. 17 & 18 Vict. c. 119. s. 15. 6 & 7 W. 4. c. 14. s. 14. 12 & 13 Vict. c. 106. s. 8.

XVIII. The Judges of the Court shall from Time to Time make such Orders as they may think fit for the better carrying of the Purposes of this Act into Execution, and for the Regulation of the Practice and Procedure in Matters of Bankruptcy and Arrangement or Insolvency, and the Examination of Witnesses and taking of Evidence, and for the Regulation of the Duties of the several Officers of the Court, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers, as also of Auctioneers, Appraisers, Brokers,

Constitution of the Court, &c.

Brokers, Valuers, and Accountants employed by Assignees, Messengers, or Bankrupts or Insolvents, and for the Taxation thereof respectively, and generally for regulating the Practice of the Court, and the Times, Modes, and Forms of Proceedings in Bankruptcy and Insolvency, and may from Time to Time alter or revoke such Orders, anything in this Act to the contrary notwithstanding: Provided also, that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Court, or the Judges thereof, to make Rules or Orders or otherwise to regulate and dispose of the Business therein; but no Orders to be made under this Act shall be of any Force or Effect until they shall have been approved by the Lord Chancellor.

16 & 17 Vict. c. 113. s. 233. 12 & 13 Vict. c. 106. s. 8.

Sittings of the Court. 6 & 7 W. 4. c. 14. s. 12. 12 & 13 Vict. c. 106. s. 10.

XIX. The Court shall sit for the Despatch of Business daily throughout the Year, when the Business of the Court shall require it (Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast and Thanksgiving excepted); provided that during the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in Ireland the Judges of the Court shall have full Power and Authority to regulate the Sittings of the Court in such Manner as shall appear fit and necessary for the due Administration of Justice.

Appointment and Payment of Substitute for Judge or Registrar prevented from attending. 6 & 7 W. 4. c. 14. s. 12.

XX. If, during the Time in which the Court shall sit for the Despatch of Business, any Judge or Registrar be prevented by Sickness or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being in the Case of a Judge a Barrister-at-Law of not less than *Ten* Years standing) to perform the Duties of such Judge or Registrar during such Absence, on taking the Oath herein-before prescribed; and every such Person so appointed to perform the Duty of such Judge or Registrar as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Judge or Registrar under this Act; and every such Judge or Registrar who shall be so appointed to act during the Absence of such Judge or Registrar as aforesaid shall receive from the Consolidated Fund a Sum equal to the Salary of such Judge or Registrar for and during the Period of his Service.

Jurisdiction.

12 & 13 Vict. c. 106. s. 12. 12 & 13 Vict. c. 107. s. 114.

XXI. The Court shall by way of primary Jurisdiction have Superintendence and Control in all Matters of Bankruptcy and Insolvency, and shall hear, determine, and make Order in any Matter of Bankruptcy or Insolvency whatever, so far as the Assignees are concerned, relating

Jurisdiction.

relating to the Disposition of the Estate and Effects of the Bankrupt or Insolvent, or of any Estate or Effects taken and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees, and also in any Matter of Bankruptcy or Insolvency whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court, and also in any Application for a Certificate of Conformity, and in any other Matter where the Court by virtue of this Act has Jurisdiction, save and except as may be by this Act otherwise specially provided: The Court shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the Court who shall be guilty of any Negligence, wilful or unnecessary Delay, or any other Misconduct whatsoever to be expressed in the Order of the Court, except where the Removal of said Officers is otherwise regulated by this Act.

3 & 4 Vict. c. 107. s. 7.

Appeal to the Lord Chancellor.

XXII. Every Order or Decision of the Court shall be subject to appeal to the Lord Chancellor, except as herein-after is provided; but such Appeal must be entered within *Twenty-one* Days from the Date of the Decision or Order, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act; and on the hearing of each Petition of Appeal the only Documents or Evidence to be relied on or admissible shall be such as were produced or given before the Court; but the Lord Chancellor, if he shall think fit, may order the Court to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce.

XXIII. The Court shall have exclusive Jurisdiction in Bankruptcy over all Traders residing or carrying on Business exclusively in Ireland.

Lord Chancellor sitting in Bankruptcy to be a Court of Record, &c.
12 & 13 Vict. c. 106. s. 13.

XXIV. The Lord Chancellor sitting on Appeal in Bankruptcy and Insolvency shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy and Insolvency.

XXV. The

Jurisdiction.

Lord Chancellor may direct Question of Fact to be decided by a Jury. 12 & 13 Vict. c. 106. s. 15. 8 & 9 Vict. c. 109.

XXV. The Lord Chancellor may, if he shall think fit, direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled "An Act to amend the Law concerning "Games and Wagers," and a new Trial may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

New Trial may be moved for.

Appeal to the House of Lords. 14 & 15 Vict. c. 89. s. 30.

XXVI. An Appeal shall lie to the House of Lords from all Orders or Decrees made by the Lord Chancellor or other Proceedings before him under this Act: Provided, that after the Expiration of *Six Months* from the making of such Order or Decree no such Appeal shall be brought unless with the special Leave of the Lord Chancellor, which Leave the Lord Chancellor may grant only upon being satisfied that substantial Grounds probably exist for such Appeal, and on having properly accounted for the Delay in bringing or moving same.

Sealing and Signature of Warrants. 12 & 13 Vict. c. 106. s. 29.

XXVII. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Judge, and every Summons shall be under the Seal of the Court and under the Hand of a Judge, or of One of the Registrars.

Records, Proceedings, &c. to be sealed. 12 & 13 Vict. c. 106. s. 25. 3 & 4 Vict. c. 107. s. 12, 13.

XXVIII. The Court shall cause to be sealed with the Seal of the Court all Records, Proceedings, Documents, and Copies of the same, as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the Court shall at any Time direct: No Fee shall be receivable by any Judge, Registrar, or Officer of the Court, save such Fees for Copies as are herein-after expressly allowed: The Procedure and Practice hitherto observed in the Court of Bankruptcy and in the Court for the Relief of Insolvent Debtors in Ireland shall continue to be observed in the Court of Bankruptcy and Insolvency, except where the same are inconsistent with the Provisions of this Act, or any General Order made in pursuance thereof.

Of the Offices of the Court.

And with respect to the Offices of the Court, and the Registrars, be it enacted:

Secretary of Bankrupts to be Chief Registrar.

XXIX. The present Lord Chancellor's Secretary of Bankrupts shall be the First Chief Registrar under this Act, and, in addition to his present Duties, shall assist the Court in the Transaction of its Administrative Business, and in the taking of undisputed Proofs of Debt, and shall tax such Costs and discharge such Duties generally as the Judges of the Court shall by any General Order direct; and

it shall be lawful for the Lord Chancellor to direct that, in lieu of the Fees and Emoluments now payable to the Lord Chancellor's Secretary of Bankrupts, a Salary not exceeding *Six hundred Pounds* per Annum be paid to the said Chief Registrar and his Successors, out of the Consolidated Fund. The Successors to the said Chief Registrar shall from Time to Time be appointed by the Lord Chancellor, as a Vacancy shall arise, and shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Lord Chancellor, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the said Court and of the Chancellor without any Cause being therein specified.

Chief Clerk in Insolvency.

His Duties, Fees, and Salary.

XXX. The present Chief Clerk in the Court for the Relief of Insolvent Debtors in Ireland shall be the First Chief Clerk in Insolvency under this Act, and shall have all the Powers and Privileges hitherto enjoyed, and shall in Matters of Insolvency perform all the Duties hitherto performed by the Chief Clerk in the Court for the Relief of Insolvent Debtors in Ireland, except where the same are inconsistent with the Provisions of this Act, or any General Orders made under the Authority of this Act: The Salary of said Chief Clerk shall be *Six hundred Pounds* per Annum, to be paid out of the Consolidated Fund to the Chief Clerk and his Successors, who shall from Time to Time be appointed by the Court as a Vacancy shall arise, and shall continue in Office during good Behabiour, and shall not be removed except by Writing under the Hand of the Lord Chancellor, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the Court and of the Lord Chancellor without any Cause being therein specified.

Of the Registrars.

Appointment and Salary of Registrars.
6 & 7 W. 4. c. 14. s. 13.
1 Vict. c. 48.
12 & 13 Vict. c. 107. s. 66.

XXXI. There shall be *Two* Assistant Registrars of the Court, who shall from Time to Time, as a Vacancy shall arise, be appointed by the Judges of the Court; and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Four hundred Pounds* per Annum be paid to each Registrar, out of the Consolidated Fund: The present Registrars shall be the First Assistant Registrars of the Court, and shall have the like Powers and Salaries and be subject to the like Control in all respects as if they had been appointed under the Provisions of this Act: The Registrars shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Judges of the Court, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the Court and of the Chancellor without any Cause being therein specified.

XXXII. The

Of the Registrars.

XXXII. The Court may, when it shall seem expedient, direct the Chief or other Registrar or Chief Clerk to act in the Prosecution of any Bankruptcy or Insolvency, for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, in Dublin or elsewhere; and the travelling Expenses of such Registrar or Chief Clerk, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and be paid out of the Consolidated Fund; and such Registrar or Chief Clerk so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annnexed to and form Part of the Proceedings.

Court may direct Registrar to take Proof of Debts, &c. 12 & 13 Vict. c. 106. s. 28. 7 & 8 Vict. c. 96. s. 53.

XXXIII. Any Chief Registrar or Chief Clerk of the Court may, if the Lord Chancellor shall so direct, during Vacation or during the Illness or Absence from any reasonable Cause of any Judge thereof, act for and as the Deputy of such Judge; and any such Registrar so acting shall have and exercise all Power vested in the Court, except the Power of Commitment, the hearing of any disputed Adjudication, or the hearing or determining of any Question of the Allowance or Suspension of any Bankrupt's Certificate, or the hearing or determining of any Question as to the Order for the Discharge of an Insolvent; and any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof.

In case of Illness, &c. of Judge, Registrar may act. 12 & 13 Vict. c. 106. s. 27.

Sect. 30.

XXXIV. The Chief Registrar shall provide a Seal, on which shall be engraven the Style of the Court; and every such Seal shall be kept by the Chief and other Registrars respectively for the Time being, in trust for the Purposes of the Court; and such Seal shall be the Seal of the Court.

Registrar to provide Seal. 12 & 13 Vict. c. 106. s. 29.

XXXV. It shall be the Duty of the Registrars and Chief Clerk to tax all such Bills of Fees, Costs, Charges, and Disbursements as may by any General Order to be made in pursuance of this Act be referred to them or any of them for Taxation; but such Taxation shall be subject to Review by the Court.

Registrars to tax Bills of Costs, &c. 12 & 13 Vict. c. 107. s. 75.

XXXVI. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, employed by any Assignee or Messenger, for Business done under such Employment, shall be settled by the Registrars or Chief Clerk, subject to Review by the Court; and the Amount of the Bills so settled, and no more, shall

And settle Bills of Auctioneers, Appraisers, Valuers, and Accountants. 12 & 13 Vict. c. 107. s. 76. 5 & 6 Vict. c. 122. s. 83.

Of the Registrars.

shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Office of Clerk of Enrolments abolished; Chief Registrars to keep Records.
6 & 7 W. 4. c. 14. ss. 109–111.
2 & 3 W. 4. c. 114. ss. 1–6.
5 & 6 Vict. c. 122. s. 74.
15 & 16 Vict. c. 77. s. 11.

XXXVII. After *the Commencement of this Act*, the Duties of the Person by an Act passed in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, intituled "An Act to prevent Frauds committed by Bankrupts," directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankrupt, and known as the Clerk of Enrolments in Bankruptcy in Ireland, shall be transferred to the Chief Registrar; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the said Clerk of Enrolments in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, or of the said Chief Clerk, shall be removed to the Office of the Court, and shall be there kept as Records of the Court of Bankruptcy and Insolvency; and the said Chief Registrar shall enter of Record all Matters and Proceedings in Bankruptcy and Insolvency under this Act, or any Rule or Order to be made in pursuance hereof, directed to be entered of Record, or such Portions thereof in lieu of the whole as the Judges of the Court shall by any Order direct.

Registrar to enter Proceedings.
2 & 3 W. 4. c. 114. s. 14.

XXXVIII. It shall be lawful for the Chief Registrar to enter of Record any Proceeding in Bankruptcy or Insolvency by this Act directed to be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Judge shall have full Power, upon Application made to him for that Purpose, to direct any Commission of Bankrupt heretofore issued, and the Depositions and Proceedings had and taken under the same, and all Matters and Proceedings heretofore had in the Court for the Relief of Insolvent Debtors in Ireland, or such Part or Parts thereof as he shall think fit, to be entered of Record.

Of the Official Assignees.

And with respect to the Official Assignee, be it enacted as follows:

Existing Official Assignees to be continued.
12 & 13 Vict. c. 107. ss. 28–37.

XXXIX. The present Official Assignees in Bankruptcy shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges and shall be subject to the like Control as if they had been appointed under this Act.

Appointment of Official Assignees.
1 & 2 W. 4. c. 56. s. 22.
5 & 6 Vict. c. 122. s. 48.

XL. Upon any Vacancy in the Office of Official Assignee it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant, who has been engaged in Trade and resident in Ireland, to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall

shall give such Security, and be subject to such Rules, and act in such Manner, as may from Time to Time be directed by any General Order. *Of the Official Assignees.*

XLI. One of the Official Assignees shall be appointed by the Court as Assignee of each Bankrupt's or Insolvent's Estate and Effects, to act with the Assignee or Assignees to be chosen by the Creditors; and the Real and Personal Estate and Effects of every Bankrupt and Insolvent, and the Income and Proceeds thereof, shall be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Court; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, India Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of Ireland, and shall from Time to Time be kept there to the Credit of the Official Assignee and of the Creditors Assignee or Assignees (if any), subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Judges of the Court shall direct. Their Duty. 12 & 13 Vict. c. 106. s. 29. 3 & 4 Vict. c. 107. s. 28. s. 30.

XLII. After the Appointment of an Official Assignee to act in any Bankruptcy or Insolvency, and before the Choice of Assignees by the Creditors, the Messenger shall follow the Instructions of the Official Assignee, subject to the Directions and Control of the Court, with respect to the taking possession of any Part of the Bankrupt's or Insolvent's Estate or Effects of which the Messenger shall not have then already taken possession, and the keeping Possession of any Part thereof of which he shall then already have taken or shall at any Time thereafter take possession Messenger to follow Instructions of Official Assignee. 17 & 18 Vict. c. 119. s. 23.

XLIII. Until Assignees shall be chosen by the Creditors, the Official Assignee shall to all Intents and Purposes whatsoever be the sole Assignee of every Bankrupt's and Insolvent's Estate and Effects, and, if the Court shall so order, may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay: After Assignees have been chosen by the Creditors, the Official Assignee shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Property. To act as sole Assignee till Creditors Assignees chosen, and may sell or otherwise dispose of Property of a perishable Nature, &c. 12 & 13 Vict. c. 106. s. 40. c. 107. s. 34. Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c. 12 & 13 Vict. c. 106. s. 41.

XLIV. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have Official Assignee not personally liable for Acts

Of the Official Assignees.

done in execution of his Duty. 12 & 13 Vict. c. 106. s. 41.

have been grounded being insufficient to support such Adjudication: No Official Assignee shall be liable in respect of his Receipt in his official Capacity of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Rule made in pursuance of this Act.

If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings. 3 & 4 Vict. c. 107. s. 35.

XLV. If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

XLVI. No Official Assignee shall be personally liable for the Costs of any Action in which he shall be Plaintiff pursuant to the Directions of the Court.

Court may appoint another Official Assignee on Death, &c. 12 & 13 Vict. c. 106. s. 42.

XLVII. On the Death or Removal of any Official Assignee in any Bankruptcy or Insolvency the Court may appoint another Official Assignee in such Bankruptcy or Insolvency.

Remuneration to Official Assignee. 12 & 13 Vict. c. 106. s. 44. c. 107. s. 37.

XLVIII. The Court may order to be paid out of any Bankrupt's or Insolvent's Estate to the Official Assignee, as a Remuneration for his Services, such Sum Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be just and reasonable.

Returns by Official Assignees. 12 & 13 Vict. c. 106. s. 45.

XLIX. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not within *Fourteen* Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament a Return by every Official Assignee in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned, in respect of every Estate under his Charge, and which shall not have been finally wound up on the *Thirty-first Day of December* in the preceding Year; and such Return shall be certified by the Chief Registrar, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Judges of the Court may from Time to Time think fit to make.

Of the Messengers.

And with respect to the Messengers, be it enacted as follows:

Number of Messengers to be Two.

L. There shall be Two Messengers of the Court, who shall be appointed from Time to Time by Warrant under the Hand of the Judges

Judges of the Court, and shall continue in Office at the Pleasure of the Judges of the Court; and it shall be lawful for the Lord Chancellor to direct, with reference both to the present and any future Messengers, that a Salary not exceeding Three hundred Pounds per Annum be paid to each Messenger in lieu of all Fees, out of the Consolidated Fund.

Of the Messengers.

How to be appointed and paid.

LI. It shall be lawful for the Judges of the Court to appoint by Warrant as aforesaid Assistant Messengers of the Court in Special Cases: The Duties of the Messengers shall be such as the Judges of the Court shall by any Order to be made in pursuance of this Act from Time to Time direct: The Messengers shall give such Security as shall be directed by any General Order to be made by the Judges of the Court: It shall be lawful for the Judges of the Court by any such Order to direct from Time to Time how and by whom, or out of what Fund, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid.

LII. If any present or future Messenger shall sue out or prosecute any Petition of Bankruptcy, or shall act as Agent in any Bankruptcy or Insolvency, he or they shall for ever thereafter be incapable of holding the Office of Messenger in any Bankruptcy or Insolvency; and every Messenger shall, before he shall be capable of acting in the Execution of his Office, take before the Commissioner the following Oath; (that is to say,)

6 & 7 W. 4. c. 14. s. 154. 1 Vict. c. 48. ss. 9, 10.

'I A.B. do swear, That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Knowledge, execute the 'several Orders which I shall receive from the Judges of the Court 'of Bankruptcy and Insolvency for the Time being, or either of 'them, in any Bankruptcy or Insolvency in which I am or shall 'hereafter be appointed to act as Messenger; and that I will not 'knowingly suppress or conceal the Truth, or suggest or practise 'any Falsehood in respect to any Matter or Thing relating to any 'Bankruptcy or Insolvency, or any of the Proceedings thereunder; 'and that I will not, by myself or any other Person in trust for me, 'have any Interest, Employment, or Concern in any Bankruptcy or 'Insolvency in any other Capacity whatsoever except that of Mes-'senger. So help me GOD."

LIII. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt or Insolvent, where such Bankrupt or Insolvent or any of his

Messenger may break open the Bankrupt's or Insolvent's Doors, &c., and seize

Of the Messengers.

upon his Body or Property.
6 & 7 W. 4. c. 14. s. 40.
12 & 13 Vict. c. 106. s. 109.

his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt and Insolvent; and if the Bankrupt or Insolvent be in Prison or in Custody it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt or Insolvent (the Articles mentioned in Sec. and his necessary wearing Apparel only excepted) in the Custodoy or Possession of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody.

Execution of Warrant in England.
6 & 7 W. 4. c. 14. s. 41.

LIV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in England, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within England such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Messenger shall, before a Justice of the Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant or Search Warrant.

Execution of Warrant in Scotland.
6 & 7 W. 4. c. 14. s. 43.
12 & 13 Vict. c. 106. s. 111.

LV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in Scotland, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within Scotland such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge ordinary or Justice of the Peace in Scotland, who are hereby required, within their respective Jurisdictions, to back or endorse the same; and such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in Scotland to execute the same within the County or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt or Insolvent, and to seize upon the Body or Property of such Bankrupt or Insolvent, to be dealt with according to Law.

Exemptions and Disqualifications of Officers, &c.

And with respect to Exemptions and Disqualifications of Officers, be it enacted as follows:

Officers, &c. exempt from serving on Juries, &c. 12 & 13 Vict. c. 106. s. 47.

LVI. The Registrars, the Chief Clerk, the Official Assignees, the Officers, and the Messengers of the Court shall be exempted from serving any Parochial Office or on any Jury or Inquest.

No Judge, &c. to practise as a Barrister, &c. Registrars, and other Officers to be deemed Officers of the Court of Chancery. 12 & 13 Vict. c. 107. s. 117.

LVII. No present or future Judge or Officer of the Court shall, while in Office, practise as a Barrister; and the Registrars, Official Assignees, and all other Officers appointed or to be appointed under this Act, except the Judges of the Court, shall from and after the passing of this Act be considered to be Officers of the Court of Chancery in Ireland, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

Of Salaries, &c.

And with respect to the Payment of Salaries, Compensations, and retiring Annuities, and of travelling and other Expenses, be it enacted as follows:—

Salaries of Judges, Registrars, and Messengers to be paid out of Consolidated Fund.

LVIII. The Salaries payable to the Judges, Chief and other Registrars, Chief Clerk, Officers, and Messengers, shall be paid out of the Consolidated Fund of the United Kingdom; and the Salaries shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the First of December, the First of March, the First of June, and the First of September in every Year, by equal Portions; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under former Act continued. 6 & 7 W. 4. c. 14. s. 9.

LIX. *All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the Statute Sixth and Seventh William the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the Consolidated Fund, and shall be paid and payable to such Persons free from all Taxes, except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act.*

Commissioners of the Treasury authorized to grant

LX. *Ay Judge of the Court of Bankruptcy and Insolvency who shall have duly discharged the Duties of his Office or of the Office of*

Of Salaries, &c.

Superannuation Allowances to Judges and Registrars of Court of Bankruptcy and Insolvency in Ireland.

of Commissioner of Bankrupt for Twelve Years shall be entitled to retire upon a Superannuation Allowance equal to One Half of the Salary of his Office as such Judge of Bankruptcy and Insolvency, and any Judge who shall have duly discharged the Duties of his Office or of the Office of Commissioner of Bankrupt for Twenty Years shall be entitled to retire upon a Superannuatian Allowance equal to Three Fourths of the Salary of his Office: It shall and may be lawful for the Lord Commissioners of Her Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to grant to any Judge of the said Court who from Age or Infirmity of Body or Mind shall be incapable of discharging the Duties of his Office, or whose Office shall be abolished by Law, a Superannuation Allowance equal to such Proportion of the Amount of the Salary of his Office as they shall think fit, and to grant to any of the Registrars or Messengers of said Court respectively who shall be from Age or Infirmity of Mind or Body incapable of discharging the Duties of his Office, or whose Office shall cease or be abolished as aforesaid, a Superannuation Allowance in the same Manner and upon the same Conditions as it could or might now be granted under the Provisions of an Act made and passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act "to alter, amend, and consolidate the Laws for regulating the "Pensions, Compensations, and Allowances to be made to Persons in "respect of their having held Offices in His Majesty's Service," if the Registrars or Messengers of the said Court respectively were mentioned in the Schedule to that Act annexed: Provided always, however, and be it enacted, That a Statement of the Amount of such Superannuation Allowance, and the Names of the Person or Persons to whom it was granted, shall be laid before Parliament within One Month after the granting thereof, in case Parliament shall be then sitting, and in case Parliament shall not be then sitting, within Fourteen Days after the next Meeting of Parliament.

LXA. *The present Commissioner of the Court for Relief of Insolvent Debtors in Ireland shall be entitled to receive during his Life, by way of retiring Pension, an annual Sum equivalent to the Amount of his Salary payable out of the same Funds and in the same Manner as his present Salary.*

Compensation to Clerk of Inrolments and other Officers whose Emoluments are affected by this Act.
15 & 16 Vict. c. 77, s. 12.

LXI. *The present Clerk of Inrolments in Bankruptcy, and any other Officer of the Court of Chancery or of the Court of Bankruptcy, and the Chief Clerk and other Officers of the Court for the Relief of Insolvent Debtors in Ireland, whose Office or the Emoluments thereof may be affected by the Operation of this Act, and who shall not be appointed to an Office of equal Value under this Act shall be entitled*

tled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the said Offices, and what was the Tenure thereof, and what were the lawful Salary, Fees, Profits, and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation as they shall think just; and such Compensation shall be charged upon the Consolidated Fund, and shall be payable and paid at such Times as the Lord Chancellor shall by any Order or Orders from Time to Time direct.

Of Salaries, &c.

LXII. *A Sum not exceeding Six hundred Pounds per Annum of the Consolidated Fund of the United Kingdom shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of any Clerks in the Office, Court Keeper, and Tipstaff, Stationery, Coals, and Candles for the Use of the Court, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect: All Accounts for Stationery and other incidental Expenses of the Court or the Offices thereof shall be audited and allowed by One of the Judges, before any Order for Payment shall be obtained.*

Sum not exceeding 600*l.* out of Consolidated Fund to be subject to Orders of Lord Chancellor as to Payments thereout. 12 & 13 Vict. c. 106. s. 58.

Of the Buildings for holding the Courts.

And with respect to the Buildings in which the Court is held, be it enacted as follows:

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court. Buildings used to be called the Court of Bankruptcy and Insolvency. 6 & 7 W. 4. s. 14. s. 13.

LXIII. All Sittings of the Court in Dublin in any Matter under this Act, and all Meetings of Creditors in any such Matter, convened by public Advertisement, shall (unless the Court shall otherwise direct) be held in the Buildings at the Four Courts now used by the Commissioners of Bankrupt; and such Buildings shall be called the Court of Bankruptcy and Insolvency.

Of the Persons liable to become bankrupt.

And with respect to Persons liable as Traders to become bankrupt, be it enacted as follows:

Enumeration of the Traders liable to become bankrupt. 6 & 7 W. 4. c. 14. ss. 18. 25. 12 & 13 Vict. c. 107. s. 10. 12 & 13 Vict. c. 106. s. 65.

LXIV. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise

Of the Persons liable to become bankrupt.

chandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Traders having Privilege of Parliament. 12 & 13 Vict. c. 106. s. 66. 6 W. 4. c. 14. s. 25.

LXV. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

Acts of Bankruptcy in general.

And with respect to Acts of Bankruptcy in general, be it enacted as follows:

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer. 6 & 7 W. 4. c. 14. ss. 19–27. 12 & 13 Vict. c. 107. ss. 20–23. 12 & 13 Vict c. 106. ss. 69–77.

LXVI. If any Trader liable to become bankrupt shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements situate in England, Ireland, or elsewhere, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months.

LXVII. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within *Fifteen* Days after the Execution thereof by

by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within *One Month* after the Execution thereof by such Trader, in case such Trader reside in Dublin or within *Forty* Miles thereof, in the "Dublin Gazette," and also in *Two* Dublin daily Newspapers, and in case such Trader does not reside within *Forty* Miles of Dublin, then in the "Dublin Gazette" and in One Dublin daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Acts of Bankruptcy in general.

LXVIII. If any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for *Twenty-one* Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for *Twenty-one* Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Lying in Prison and escaping out of Prison. 6 W. 4. c. 14. s. 21.

LXIX. If any such Trader shall file in the Office of the Court a Declaration in Writing, in the Form contained in Schedule (C.) to this Act annexed, or in such other Form as the Court may by any General Order fix and direct, signed by such Trader and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed by or against such Trader within *Two* Months from the filing of such Declaration.

Filing a Declaration of Insolvency in the Bankrupt Office. 12 & 13 Vict. c. 107. s. 22.

LXX. If any such Trader, after the Filing of any Petition of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct

Compounding with Petitioning Creditor. 6 W. 4. c. 14. s. 24.

Acts of Bankruptcy in general.

the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might out Execution within Fourteen Days after Notice requiring Payment.

LXXI. If any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record against any such Trader, and shall be in a Situation to sue ont Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not within *Fourteen* Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice; but that it shall be lawful, nevertheless, for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day. 12 & 13 Vict. c. 107. s. 21.

LXXII. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order *Fourteen* Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Day next after the Day so appointed for Payment of such Money.

Filing Petition of Insolvency in England, Scotland, or Ireland. 3 & 4 Vict. c. 107. s. 27.

LXXIII. If any such Trader, being in actual Custody for Debt, shall apply to the Court by Petition for his Discharge as an Insolvent Debtor, or to any Court for the Relief of Insolvent Debtors in England or Scotland, the filing of such Petition shall be an Act of Bankruptcy;

ruptcy; but the filing by such Trader of a Petition for his Discharge shall not be deemed an Act of Bankruptcy unless he is adjudged Bankrupt within *Two* Months from the Time of filing such Petition. *Acts of Bankruptcy in general.*

LXXIV. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws "relating to Insolvent Debtors in India," and the Abjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act, may at any Time within *Two* Months after Notice of the Insolvency shall have been given in the "London Gazette," as directed by the said Act for amending the Laws relating to Insolvent Debtors in India, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf. Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21

LXXV. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act, shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against him within *Two* Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed. Filing Petition for Arrangement between a Trader Debtor and his Creditors. 12 & 13 Vict. c. 107. s. 23.

LXXVI. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader to an Amount requisite to support a Petition for Adjudication may file an Affidavit in any Court of Record in Dublin that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons in the Form contained in Schedule (D.) to this Act annexed, or to the like Effect, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not within *One Month* after personal Service of the Summons either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month. 6 W. 4. c. 14. s. 26.

Acts of Bankruptcy in general.

as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, and within *One Month* next after personal Service of such Summons cause an Appearance to be entered thereto, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay. 12 & 13 Vict. c. 107. s. 24.

Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within Twenty-one Days.

LXXVII. If any Creditor whose Debt shall amount to Fifty Pounds or upwards, or any Two Creditors whose Debts shall amount to Seventy Pounds or upwards, or any Three or more Creditors whose Debts shall amount to One hundred Pounds or upwards, of any such Trader, shall file in the Office of the Court an Affidavit that such Debt is justly due, and that such Debtor, as he or they verily believe, is such Trader, and shall cause him to be served personally with a Copy of such Affidavit, and with a Notice in Writing stating that such Affidavit hath been filed in the said Office, pursuant to this Act, and requiring immediate Payment of such Debt, and if such Trader shall not within Twenty-one Days after personal Service of such Affidavit and Notice, or within such further Time as the Court shall order, pay such Debt, or secure or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by any of the Persons authorized by this Act to take Affidavits in Matters of Bankruptcy, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to the Custody of the Gaoler of the Court in which such Action shall have been or may be brought, according to the Practice of such Court, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day after Service of such Affidavit and Notice, provided a Petition of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit, but not otherwise.

Acts of Bankruptcy by Nonpayment after Summons.

And with respect to Acts of Bankruptcy by reason of Nonpayment after Summons of the Court and the Proceedings thereupon, be it enacted as follows:

Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Pay-

LXXVIII. If any Creditor of any such Trader shall file an Affidavit in the Office of the Court, in the Form specified in Schedule (E.) hereunto annexed, or to the like Effect, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the

Acts of Bankruptcy by Nonpayment after Summons.

the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.) annexed to this Act, or to the like Effect, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (G.) annexed, or to the like Effect, to this Act, calling upon such Trader to appear before the Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided; and if the Demand of a Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate, at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

ment, &c. Court may summon the Trader. 12 & 13 Vict. c. 107. ss. 11–19. 12 & 13 Vict. c. 106. ss. 78–86.

Delivery of Notice, &c. in case of Partnership.

Manner of Proceeding upon the Appearance of the Trader.

LXXIX. On the Appearance of any such Trader so summoned, the Court may require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof; and if such Trader shall admit such Demand, or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule (H.) annexed to this Act or to the like Effect, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Bankrupt Office; and the Court may allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Office, in the Form contained in Schedule (I.) annexed to this Act, or to the like Effect, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (J.), or to the like Effect, to this Act annexed, in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof.

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain

LXXX. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such

Acts of Bankruptcy by Nonpayment after Summons.

Time, or giving Bond for Payment of the same, if recovered in Action, &c., with Costs, to be an Act of Bankruptcy. 12 & 13 Vict. c. 107. s. 13.

Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to such Demand or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not within *Fourteen* Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

LXXXI. If any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within *Fourteen* Days next after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after the filing of such Admission, provided a Petition of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, &c., and not paying, &c., the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

LXXXII. If any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader, as to the Sum so admitted, shall not within *Fourteen* Days next after the filing of such Admission pay or tender to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not within *Feurteen* Days after personal Service of such Summons or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the

the *Fifteenth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against such Trader within *Two* Months from the filing of such Affidavit. *Acts of Bankruptcy by Nonpayment after Summons.*

LXXXIII. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit. What shall be deemed a Refusal to admit of Debt. 12 & 13 Vict. c. 107. s. 16. Court may enlarge the Time for Admission of entering into Bond, &c.

LXXXIV. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in the Bankrupt Office, and shall be of the same Force and Effect, to all Intents and Purposes, as an Admission signed by such Trader on his Appearance in Court; provided such Admission be made in the Form contained in Schedule (K.) to this Act annexed or to the like Effect, and there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and State therein that he subscribes as such Attorney. Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court. s. 17.

LXXXV. Where any such Trader against whom an Affidavit of Debt is filed shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may order that such Costs be paid by either Party respectively, in the Event of no such Action being brought within Three Months after the issuing of such Summons. Court may award Costs to the Creditor or to the Trader summoned.

LXXXVI. In every Action brought after the *Commencement of this Act*, wherein any such Creditor is Plaintiff and any such Trader is If Creditor bring an Action and do not recover the

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Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon by Rule or Order direct that such Costs shall be allowed to the Defendant, and provided such Costs are duly taxed and ascertained within such Time as shall be directed by such Rule or Order; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may may now by Law have Execution for Costs in other Cases.

General Provisions with respect to Acts of Bankruptcy.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c. 6 & 7 W. 4. c. 14. s. 99. 12 & 13 Vict. c. 106. s. 87.

LXXXVII. If any accredited Agent, Secretary, or public Officer of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Petition, &c. 6 & 7 W. 4. c. 14. s. 36. 12 & 13 Vict. c. 107. ss. 7, 8.

LXXXVIII. No Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than *Six* Months prior to the filing of any Petition of Bankruptcy against him; and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bankruptcy subsequent to such Debt.

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And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted as follows:

Proceedings in Bankruptcy to originate by Petition to the Court of Bank-

LXXXIX. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (L.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of the Petitioner,

Procedure in Bankruptcy.

Petitioner, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect, and if presented by a Trader, being in the Form specified in the Schedule (N.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of such Trader, in the Form specified in the Schedule (O.) to this Act annexed, or to the like Effect); and every such Petition shall be filed and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall, by virtue of this Act, and without any Commission or special Authority whatsoever, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

ruptcy without Commission, &c. 12 & 13 Vict. c. 106. s. 89.

Amount of Petitioning Creditors Debt. 6 & 7 W. 4. c. 14. s. 32. 12 & 13 Vict. c. 107. s. 9. 12 & 13 Vict. c. 106. s. 91.

XC. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to *Fifty Pounds* or upwards:

The Debt of Two Creditors shall amount to *Seventy Pounds* or upwards:

The Debt of Three or more Creditors shall amount to *One hundred Pounds* or upwards:

Debt may be payable at a future Time although Security given.

Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

Petition for Adjudication may be made by the public Officer of certain Copartnerships. 12 & 13 Vict. c. 106. s. 92.

XCI. A Petition of Bankruptcy against any Trader indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer of such Copartnership may be filed by such public Officer as the nominal Petitioner for and on behalf of such Copartnership.

Trader may petition for Adjudication of Bankruptcy against himself.

XCII. Any such Trader may petition for Adjudication of Bankruptcy against himself: Provided always, that unless such Trader shall forthwith after the filing of his Petition, and before Adjudication, make

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12 & 13 Vict. c. 106. s. 93. 17 & 18 Vict. c. 119. s. 20.

make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of *Two hundred Pounds* at the least, such Petition shall be dismissed, and no further Petition shall be filed by such Trader without the Leave of the Court first obtained for that Purpose; and the Adjudication on any further Petition shall be subject to the like Condition as to the available Estate of the Trader.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it.
12 & 13 Vict. c. 107. s. 25.
12 & 13 Vict. c. 106. s. 96.

XCIII. If the Petitioning Creditor shall not proceed and obtain an Adjudication within *Nine* Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within *Fourteen* Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such *Fourteen* Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to proceed to Adjudication, such Petition shall be forthwith dismissed.

Petitions may be presented against One or more Partners in a Firm, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.
6 & 7 W. 4. c. 14. s. 33.
12 & 13 Vict. c. 106. s. 97.

XCIV. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted before the Judge before whom the First was prosecuted.
6 & 7 W. 4. c. 14. s. 34.
12 & 13 Vict. c. 106. s. 98.

XCV. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition or Petitions of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignee and the Creditors Assignee (if any) under the First Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the First Petition, and shall be prosecuted before the Judge before whom the First was prosecuted.

In case Trader against whom a Petition has been

XCVI. Whenever any Petition of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court

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Court that there is probable Cause for believing that such Person has quitted or is about to quit Ireland, or has removed or is about to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest and commit to such Prison as the Court shall think fit the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be discharged by the Court: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply at any Time after such Arrest or Seizure to the Court for an Order or Rule on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up to him, and it shall be lawful for such Court to make absolute or discharge such Order or Rule.

Where Trader filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized. 12 & 13 Vict. c. 107. ss. 4, 5, 6. 12 & 13 Vict. c. 106. s. 99.

Trader so arrested may apply to the Court for his Discharge forthwith.

XCVII. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit Ireland, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person or Persons it shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court to be examined, in like Manner as if he appeared upon a Summons.

If Bankrupt be keeping out of the Way, or be about to quit Ireland, &c., Court may issue Warrant for his Arrest. 12 & 13 Vict. c. 106. s. 119.

XCVIII. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy. 6 & 7 W. 4. c. 14. s. 37. 12 & 13 Vict. c. 106. s. 100.

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Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Court to make Adjudication, &c. upon certain Proofs.
6 & 7 W. 4. c. 14. s. 37.
12 & 13 Vict. c. 106. s. 101.

XCIX. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within *Three* Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, and of the Amount of his available Estate to the Extent required by this Act, shall adjudge such Trader bankrupt; and any such Petition not effectually prosecuted to an Adjudication within *Fourteen* clear Days after its Date shall be dismissed, unless the Court shall enlarge the Time for proceeding thereunder.

Appointment of Official Assignee.
12 & 13 Vict. c. 107. s. 28.
12 & 13 Vict. c. 106. s. 102.

C. Immediately after the Adjudication of Bankruptcy the Court shall appoint an Official Assignee to act as herein-before provided in this Behalf.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.
6 & 7 W. 4. c. 14. s. 35.
12 & 13 Vict. c. 106. s. 103.

CI. If after Adjudication of Bankruptcy the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.
12 & 13 Vict. c. 107. s. 45.
12 & 13 Vict. c. 106. s. 104.

CII. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the "Dublin Gazette," a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed *Four* Days, or such extended Time, not exceeding *Fourteen* Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters,

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Matters, are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy, or any or either of such Matters, which shall be deemed sufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order such Adjudication to be annulled, and the same shall be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith cause Notice of such Adjudication to be given in the "Dublin Gazette;" and the Court shall in every such Notice of Anjudication, and in every Notice of Adjudication on the Petition of any such Trader, appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than *Twenty* Days and not exceeding *Forty* Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CIII. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or if the Bankrupt, before the Expiration of the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender, the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath before the Court or any Registrar thereof, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable

Bankrupt to deliver up his Books of Account, &c. to the Official Assignee, upon Oath.
6 & 7 W. 4. c. 14. s. 134.
12 & 13 Vict. c. 106. s. 105.

To attend Assignees.

Procedure in Bankruptcy.

Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees, to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid by the Official Assignee out of his Estate such Sum as the Court shall direct.

To be at liberty to inspect Books, &c.

After Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

CIV. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed, as the Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged Bankrupt, and has surrendered, and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear, by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings, or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious

If Bankrupt be not in Prison or in Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally.
6 & 7 W. 4. c. 14. ss. 136. 138.
12 & 13 Vict. c. 107. ss. 51, 52. 83.
12 & 13 Vict. c. 106. s. 112.

malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition for Adjudication in Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

Procedure in Bankruptcy.

CV. If any Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall, after his Surrender, and while protected by Order of the Court, be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of *Five Pounds* for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record in Dublin, in the Name of such Bankrupt, with full Costs of Suit.

If arrested, to be discharged on producing Protection. 6 & 7 W. 4. c. 14. s. 136. 12 & 13 Vict. c. 106 s. 113.

Penalty on Detention.

CVI. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Rule or Order to be made in pursuance of this Act.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees. 6 & 7 W. 4. c. 14. s. 31. 12 & 13 Vict. c. 106. s. 114.

CVII. No Petition of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Act of Bankruptcy has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Petition, &c. not to be invalid by reason only of Concert. 6 & 7 W. 4. c. 14. ss. 23. 156. 12 & 13 Vict. c. 106. s. 115.

CVIII. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may proceed notwithstanding Death of Bankrupt. 6 & 7 W. 4. c. 14. s. 39. 12 & 13 Vict. c. 106. s. 116.

And with respect to the last Examination of the Bankrupt, be it enacted as follows:

Last Examination.

CIX. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in the Bankrupt Office, and deliver a Copy thereof to the Official Assignee, *Ten* Days at least before the Day appointed for the last Examination, or

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c. 6 & 7 W. 4. c. 14. s. 124. 12 & 13 Vict. c. 106. s. 160.

Last Examination.

or the Adjournment Day thereof for that Purpose; and such Balance Sheet and Accounts before such last Examination may be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Balance Sheet shall have been duly filed as aforesaid; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

Bankrupt apprehended by Warrant, and submitting, to have same Benefit as if he had voluntarily surrendered.
6 & 7 W. 4. c. 14. s. 133.
12 & 13 Vict. c. 106. s. 161.

CX. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.
6 & 7 W. 4. c. 14. s. 137.
12 & 13 Vict. c. 107. s. 45.
12 & 13 Vict. c. 106. s. 162.

CXI. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination sine die.

CXII. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt; or any Enlargement or Adjournment thereof, whether the Examination shall be passed or not, to order that the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint.

If Bankrupt in Prison or Custody, Court may appoint a Person to attend him with Books, Papers, &c. to to enable him prepare Balance Sheet.
6 & 7 W. 4. c. 14. s. 138.
12 & 13 Vict. c. 106. s. 163.

CXIII. Whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination and Discovery thereof.

Of the Certificate of Conformity.

And with respect to the Certificate of Conformity, be it enacted as follows:

Mode of obtaining Certificate of Conformity.
6 & 7 W. 4. c. 14. s. 141.
12 & 13 Vict. c. 107. s. 56.
12 & 13 Vict. c. 106. s. 198.

CXIV. Forthwith after the Bankrupt shall have passed his last Examination, if no Prosecution shall have been directed by the Court, nor any Charge of Fraud have been entered on the Proceedings, nor any Objection to the signing of the Certificate be entered in the Bankrupt Office by any Party, the Certificate of Conformity shall be prepared

Of the Certificate of Conformity.

prepared by the Chief Registrar, and signed by the Court, and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any Rule or Order; but if any Objection to the granting of the Certificete be made at the last Examination, then the Court shall appoint a public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette," and to the Solicitor of the Assignees), and at such Sitting the Assignees, or any of the Creditors of such Bankrupt who shall have given to the Chief Registrar *Three* clear Days Notice in Writing of his Intention to oppose, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or suspend the Allowance thereof for any Period not exceeding *Three* Years.

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.

No Certificate allowed before the Commencement of this Act shall require Confirmation.

6 & 7 W. 4. c. 14. s. 141.

12 & 13 Vict. c. 106. s. 199.

CXV. The Certificate of Conformity under this Act shall be in Writing under the Seal of the Court and the Hand of One of the Judges of the Court, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery, and shall be in the Form contained in Schedule (T.) to this Act annexed, or to the like Effect; and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any Rule or Order to be made in pursuance of this Act.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt.

6 & 7 W. 4. c. 14. s. 140.

12 & 13 Vict. c. 107. s. 54.

12 & 13 Vict. c. 106. s. 200.

CXVI. The Certificate of Conformity allowed under this Act, subject to the Provisions herein contained, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made or provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Contract or Security to induce Creditor to forbear Opposition void.

6 & 7 W. 4. c. 14. s. 143.

12 & 13 Vict. c. 107. s. 57.

12 & 13 Vict. c. 106. s. 202.

CXVII. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certifi-

cate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.
6 & 7 W. 4. c. 14. s. 149.
12 & 13 Vict. c. 107. s. 60.
12 & 13 Vict. c. 106. s. 204.

CXVIII. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition of Bankruptcy; and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt having obtained his Certificate free from Arrest.
6 & 7 W. 4. c. 14. s. 144.
12 & 13 Vict. c. 107. s. 59.
12 & 13 Vict. c. 106. s. 205.

CXIX. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt, in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

CXX. No Appeal shall lie from any Order of the Court in respect of the Allowance or Refusal of the Certificate, or any Matter connected with same.

Composition after Bankruptcy.

And with respect to the Composition after Adjudication of Bankruptcy, be it enacted as follows:

If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition, the same shall bind the rest.
6 & 7 W. 4. c. 14. s. 151.
12 & 13 Vict. c. 107. s. 86.
12 & 13 Vict. c. 106. s. 230.

CXXI. Any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof and of the Purport whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette"); and if the Bankrupt or his Friends shall make an Offer of Composition, and Three Fifths in Number and Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid; and if at such Second Meeting Three Fifths in

in Number and Value of the Creditors then present shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy; and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition. 6 & 7 W. 4. c. 14. s. 152. 12 & 13 Vict. c. 107. ss. 87–89. 12 & 13 Vict. c. 106. s. 231.

CXXII. In deciding upon the Offer of Composition, no Creditor whose Debt is below *Twenty* Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of *Fifty* Pounds and upwards, residing out of Ireland, shall be served personally, or in such other Form as the Court shall direct, with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat, and such Creditor shall be entitled to vote by Letter of Attorney executed and attested in manner aforesaid for a Creditor's voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

Procedure in Insolvency.

And with respect to the Procedure in Insolvency, and the Discharge of Insolvent Debtors from Prison, be it enacted as follows:

Persons imprisoned for Debt may apply to the Court in a summary Way for Discharge. 3 & 4 Vict. c. 107. s. 18.

CXXIII. From and after *the Time appointed for the Commencement of this Act*, it shall be lawful for any Person who shall be in actual Custody within the Walls of any Prison in that Part of the United Kingdom called Ireland, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever, for Nonpayment of any Sum or Sums of Money, or of Costs, taxed or untaxed, either order to be paid or to the Payment of which such Person would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, at any Time within the Space of Fourteen Days next after the Commencement of the actual Custody of such Prisoner, whether such Commencement shall have been in the same Prison or in any other Prison, or afterwards, if the said Court shall in any Case think reasonable to permit the same, to apply by Petition to the Court for his Discharge from such Custody according to the Provisions of this Act; and in such Petition shall

Time of petitioning.

What shall be stated in the Petition.

Proceedings in Insolvency.

shall be stated whether such Prisoner has been previously bankrupt or insolvent, the Time and Place of the First Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined, and if such Prisoner shall not have been in the same Custody from the Time of such First Arrest, then the Means and Manner by which the Change of Custody of such Prisoner has taken place, and also the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained, and such other Matters as the Court may by any General Order direct; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Official Assignee for the Time being of the said Court, according to the Provisions of this Act, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands for which such Prisoner shall be then in Custody, and against the Demands of all other Persons who shall be or claim to be Creditors of such Prisoner at the Time of presenting such Petition; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the Office of the Court.

Petition to be signed and filed.

Schedule to be filed with Books and Papers. 3 & 4 Vict. c. 107. s. 57. The Prisoner to deliver in a Schedule of Debts, Property, &c.

CXXIV. Every Prisoner who shall, by Petition, apply to the Court for his Discharge as an Insolvent, shall, within *Seven Days* from the Time of filing such Petition, deliver unto the Court a Schedule, containing a full and fair Description of such Prisoner, as to his Name or Names, Trade or Trades, Profession or Professions, together with the last usual Place of Abode of such Prisoner, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Profit, Benefit, or Advantage held by such Prisoner, whether the Emoluments of the same arise from fixed Salaries or from Fees or otherwise, and also of all Pensions or Allowances of the said Prisoner, in possession or reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from

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Proceedings in Insolvency.

which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his Use, Benefit, or Advantage in any Manner whatsoever, shall be seised or possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in trust for him or for his Benefit, shall have any Power to dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts then due or growing due to such Prisoner, or to any Person or Persons in trust for him or for his Benefit or Advantage, either solely, or jointly with any Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same: Such Prisoner shall with his Schedule file a General Balance Sheet of his Receipts and Expenditure from the Date of the earliest Debt in his Schedule up to the Time of filing his Petition, if the Prisoner petitioned, and up to the Time of signing his Schedule if the Creditor petitioned: Such Prisoner shall also deliver to the Court a Special Balance Sheet of so much of the Receipts and Expenditures of such Prisoner, and of the Items composing the same, as shall be at any Time required by the said Court in that Behalf: The Schedule and Special Balance Sheets of every Prisoner shall be in such Form, and shall contain such further and other Particulars, as the Court shall by any General Order direct; and such Balance Sheets shall be verified on Oath; and said Schedule also shall fully and truly describe the Wearing Apparel, Bedding, and other Necessaries of such Prisoner, and his or her Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Twenty Pounds, which may be excepted by such Prisoner from the Operation of this Act, together with the Values of such excepted Articles respectively; and the said Schedule shall be duly sworn to by such Prisoner, and shall forthwith be filed in the Court, together with all Books, Papers, Deeds, and Writings in any way relating to such Prisoner's Estate or Effects in his or her Possession, or in or under his or her Custody or Control: The said Petition, Schedule, and Balance Sheets may be in the Forms in Schedule (R.) to this Act annexed, or in such other Form as the Court may direct.

Schedule to be sworn and filed with Books and Papers.

CXXV. After the filing of such Petition and Schedule, the Official Assignee to whom the Matter of the Insolvency may be referred shall, at or before the Time appointed for the Prisoner to be brought up, examine the said Petition and Schedule, and certify to the Court whether

Official Assignee to examine Petition and Schedule.

Proceedings in Insolvency.

whether the same had been properly vouched or not, and whether the Provisions of this Act had been complied with.

Detaining Creditors of Prisoners in Execution may apply by Petition to the Court for an Order to vest Debtors Estates in the Official Assignee. 3 & 4 Vict. c. 107. s. 19.

CXXVI. If any Prisoner who, at the Time appointed for the Commencement of this Act, shall have been committed to any Prison or Gaol, and charged in Execution for any Debt, Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Prisoner would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after the Time appointed for the Commencement of this Act, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Charges, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for the Nonpayment of which such Prisoner shall have been in contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, or if any Prisoner who, after the Time appointed for the Commencement of this Act, shall be committed to any Prison or Gaol, and charged in Execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any such Contempt as aforesaid, shall not, within Twenty-one Days next after such Prisoner shall be so committed or charged in Execution as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to apply by Petition in a summary Way to the Court for an Order vesting the Real and Personal Estate and Effects of such Prisoner in the Official Assignee of the Court, according to the Provisions of this Act; and such Petition shall be signed by the Party or Parties so applying; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or charged in Execution; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the Court shall think fit to require;

require; and the Party or Parties presenting such Petition shall thereby state that he or they is or are desirous that such Prisoner should be ordered to file a Schedule of his Property according to the Provisions of this Act, and should thereupon be brought up before the Court, to be dealt with according to the Provisions of this Act; and such Petition and the Evidence in support thereof shall forthwith be filed in the Court; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and such Creditor's Petition and Vesting Order may be in the Form in Schedule (S.) to this Act annexed, or to the like Effect.

Proceedings in Insolvency.

Prisoners within the Walls only to petition;

except in certain Cases. 3 & 4 Vict. c. 107. s. 21.

CXXVII. No Prisoner shall upon his own Petition be entitled to the Benefit of this Act who shall not be at the Time of filing his Petition and Schedule, and during all the Proceedings thereon, in actual Custody within the Walls of the Prison, without any Intermission of such Imprisonment by Leave of any Court or otherwise: Provided always, that if, after any such Prisoner shall have obtained an Order to be brought up in order to be dealt with according to the Provisions of this Act, it shall appear to the Satisfaction of the Court, by the Oath or Affidavit of a Physician, Surgeon, or Apothecary, and such other Evidence as the Court may require, that such Prisoner cannot continue to reside within the Walls of any such Prison without serious Injury to the Health of such Prisoner, or that for the sake of the Health of the Prisoners in general it is necessary that the Numbers thereof within the Walls of any such Prison should be reduced, it shall be lawful for the Court to dispense with such actual Custody of any such Prisoner within the Walls as is herein-before mentioned.

Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing. 3 & 4 Vict. c. 107. s. 21.

CXXVIII. After any Order shall have been made under this Act directing any Insolvent to be brought up in order to be dealt with according to the Provisions of this Act, it shall be lawful for the Court, if the Court shall think fit to do so, and on such Notice to the detaining Creditor or Creditors of such Insolvent as the Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding Two sufficient Sureties to enter into a Recognizance to the Official Assignee of the Court, in such Sum as the Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the Court, and on such other Terms (if any) as the Court shall think fit to impose, and to issue a Warrant directed

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directed to the Gaoler, ordering the Discharge of such Insolvent from Custody accordingly; and that after such Discharge such Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-after mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the Court shall by Endorsement on such Order from Time to Time appoint.

In case Insolvent shall not duly appear, Recognizance to be forfeited, &c. 3 & 4 Vict. c. 107. s. 21.

CXXIX. In case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing of such Insolvent (not prevented by Illness or other lawful Impediment to be allowed of by the Court), the Recognizance so entered into shall be forfeited, and the Amount secured thereby shall be recoverable in a summary Way, by a Distress and Sale of the Goods and Chattels of such Sureties as the Court shall by their Order direct; and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent, in like Manner as if the same were Part of his Estate and Effects; and the Court may also issue a Warrant, authorizing any Person or Persons to be therein named, to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Keeper in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Keeper is hereby required to receive such Prisoner again into his Custody, and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the Court, be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

Judges may empower Persons in the Assize Towns to receive Recognizances. 3 & 4 Vict. c. 107. s. 22.

CXXX. And whereas it is expedient that Persons residing in any Place other than the County of Dublin, or the County of the City of Dublin, who may be willing to enter into Recognizances of Sureties for the due Appearance of Insolvent Debtors before the Court, should be enabled to enter into such Recognizances without the Necessity of appearing for such Purpose before the Court itself at its usual and ordinary Place of Sitting: Be it therefore enacted, That the Court shall and may, by One or more Commission or Commissions under the Seal of the Court, from Time to Time as Occasion shall require, empower such and so many fit and proper Persons as they shall think necessary, in all and every the Assize Towns aforesaid, to take and receive all and every the Recognizanee or Recognizances of Sureties into which any Persons may be willing to enter for the due Appearance

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pearance of Insolvents, according to such several and respective Recognizances and in such Form as the Court, in pursuance of this Act, shall and may direct and require.

Persons residing out of Dublin may enter into Recognizances. 3 & 4 Vict. c. 107. s. 23.

CXXXI. In any Case of a Prisoner whose Estate and Effects shall be under the Provisions of this Act vested in the Official or other Assignee, and who shall be confined in the Gaol of any County, Town, or Place, other than the County of Dublin or the County of the City of Dublin, and who shall have filed this Schedule in the Court, according to the Provisions of this Act, it shall and may be lawful for any Person or Persons who may be willing to enter into such Recognizances as aforesaid, whose usual and ordinary Place of Residence shall be elsewhere than in the County of Dublin or the County of the City of Dublin aforesaid, to appear before a Person duly appointed and empowered in manner aforesaid, and there to enter into such Recognizance of Sureties for the due Appearance of such Insolvent, according to such Forms, and in such Terms and Manner as shall or may be prescribed by any General Order of the Court which said Recognizances so taken as aforesaid shall be transmitted and filed in the Court, with an Affidavit of the due taking of the said Recognizances, by some credible Person present at the taking thereof, and shall be of the like Force and Effect as if the same were taken before the Court.

Court to regulate the Amount of such Recognizances. 3 & 4 Vict. c. 107. s. 24.

CXXXII. The Court shall make such Rules and Orders, regulating the Amount, and for the taking of such Recognizances as to them shall seem meet, so as such Sureties be not compelled to appear in Person in the Court to justify themselves, but the same may and is hereby directed to be determined before the Court, by Affidavit or Affidavits duly taken before the Person or Persons so empowered as aforesaid, who are hereby empowered and required to take the same.

When Sureties justified, &c., Court may order Discharge of Insolvent. 3 & 4 Vict. c. 107. s. 26.

CXXXIII. As soon as such Sureties shall have justified in manner aforesaid, and such Recognizances as herein before mentioned shall have been filed, the Court shall thereupon issue a Warrant to the Gaoler for the Discharge of such Insolvent from Custody accordingly, and who shall have such and the like Privileges, and be subject to such and the like Liabilities, as is herein-before provided with respect to any Insolvent Debtor who shall enter into a Recognizance to the Official Assignee of the Court as aforesaid.

Order to be filed, although avoided by Bankruptcy. 3 & 4 Vict. c. 107. s. 28.

CXXXIV. If such Prisoner be declared bankrupt within such Period as above mentioned, or be an uncertificated Bankrupt at the Time of filing his Petition of Insolvency, the said Petition of such Prisoner shall remain of Record in the Court; and the Court shall

And Court shall proceed to hear and adjudicate in other Cases.

and may cause such Prisoner to be brought up to be deal with as a Insolvent according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.
3 & 4 Vict. c. 107. s. 29.

CXXXV. No Prisoner shall after the filing of his Petition of Insolvency be discharged out of Custody as to any Action, Suit, or Process for or concerning any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Non-pros., or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, Nonsuit, or Process proceeding therein.

Court may order Allowance to Prisoner during his Confinement for Expense of Schedule.
3 & 4 Vict. c. 107. s. 31.

CXXXVI. The Court may direct the Assignee to pay to any such Prisoner, out of his or her Estate and Effects, such Allowance for his or her Support and Maintenance during such Prisoner's Imprisonment, and previous to the Adjudication in the Matter of his Petition, or for the Expense of making out and filing his Schedule, as to the Court shall seem reasonable and fit.

Court to appoint Time for Prisoner to be brought up.

CXXXVII. The Court shall, forthwith after such Petition and Schedule shall have been filed as aforesaid in the Court by any such Prisoner, and after receiving such Certificate from the Official Assignee, appoint a Time for such Prisoner to be brought up before the Court to be dealt with according to the Provisions of this Act; and the Time so appointed shall in no Case be more than *Four* Calendar Months after the Date of such Appointment; and where such Prisoner shall be in any Gaol within the County of Dublin or the County of the City of Dublin, the said Court shall order such Prisoner to be brought before the said Court.

Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers.
14 & 15 Vict. c. 57. s. 119.

CXXXVIII. If any Insolvent Debtor in Custody in any of Her Majesty's Gaols in Ireland situated elsewhere than within the County of Dublin or the County of the City of Dublin, or any detaining Creditor of such Insolvent Debtor so in Custody as aforesaid, shall petition such Court under this Act or any Acts relating to Insolvent Debtors in Ireland, or if any such Prisoner or detaining Creditor shall have so petitioned prior to the passing of this Act, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, the Court shall, after the Schedule of such Prisoner shall have been duly filed, in the Case of any new Petition, and at any Time which to such Court shall seem fit in the Case of any such Petition which shall not have come on for Hearing, or the Hearing of which shall have been adjourned, make an Order referring such Petition or Hearing to the Assistant Barrister within whose Jurisdiction such Insolvent Debtor is in Custody

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Custody, and shall transmit such Petition and Schedule to the Clerk of the Peace of the respective County for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister, and shall cause the usual Notices to be given; and any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the Court might make, give, or do in the Matters of Petitions heard before such Court under this Act or any Acts relating to Insolvent Debtors, and, if he shall deem fit, shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment.

Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Court for discharging or remanding the Insolvent, &c.

CXXXIX. Every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done thereon in all and every the Matters aforesaid by such Assistant Barrister, shall be forthwith, or as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the Court, signed by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the Court, and to be kept as such among the Records thereof, and the Clerk is hereby required to return the same accordingly; and the Court shall have Power to issue its Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any adjourned Sitting held in the Matter of such Petition; and every such Governor, Keeper, or Gaoler shall obey such Warrant; and the Expense of conveying such Prisoner to any such Quarter Sessions Town, where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence per Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town, in obedience to any Rule or Order of the Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by

Petition, &c. to be returned by the Clerk of the Peace to the Court.

Order for bringing the Insolvent before the Assistant Barrister. 14 & 15 Vict. c. 57. s. 119.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

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by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town: Provided always, that nothing herein contained shall extend or be construed to deprive the Court of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place Appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees: Provided also, that after the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Re-hearing of such Petition pursuant to any Order that may be made by the Court; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the Court as if this Act had not been passed: Provided also, that nothing in this Section contained shall extend to the Case of any Prisoner of unsound Mind.

Court to have Jurisdiction before and pending an Adjournment.

Exception as to Prisoners of unsound Mind.

Notice to be given to Creditors, and advertised.

CXL. The Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place so as aforesaid appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of Five Pounds, and to be inserted in the "Dublin Gazette," and also, if the Court shall think fit, in the "Edinburgh" and "London Gazettes," or either of them, and also in such other Newspaper or Newspapers as the Court shall direct.

At the Time of Hearing, the Schedule to be examined.

3 & 4 Vict. c. 107. s. 62.

Creditors may oppose Prisoner's Discharge.

CXLI. Upon such Prisoner being brought up as aforesaid, the Court shall examine into the Schedule of every such Prisoner so brought before the Court, upon the Oath of such Prisoner and of such Parties and other Witnesses as the Court shall think fit to examine thereupon; and in case such Notice as the Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner to oppose such Prisoner's Discharge

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Discharge, and for that Purpose to put such Questions to such Prisoner and examine such Witnesses as the Court shall think fit touching the Matters contained in such Schedule, and touching such other Matters as the said Court shall be of opinion that it may be fit and proper to inquire into in order to the due Execution of this Act.

No Creditor to oppose unless returned in Schedule, &c. 3 & 4 Vict. c. 107. s. 62.

CXLII. No Creditor shall examine or oppose the Discharge of such Prisoner unless he shall be returned by the Insolvent in his Schedule as a Creditor, or unless he shall make Oath or Affidavit of his Debt, or otherwise give satisfactory Proof of his Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner; and in case the Court shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the Court, it shall be lawful for the Court to adjourn the Hearing and Examination of such Prisoner and of Witnesses thereupon to some future Sitting of the Court in Dublin; and in every such Case such Prisoner shall upon such Adjournment remain in Custody, and shall and may be again brought up, and such Hearing and Examination be further proceeded in, as often as to the Court shall seem fit: Provided always, that when any such Hearing shall be adjourned by the Court generally to some future Sitting of the Court in Dublin as aforesaid the Court shall and may, upon the Application of such Prisoner, to be made within such Time as the Court shall direct, order the said Prisoner to be brought up for Hearing accordingly, and such Notice thereof shall be given and to such Parties as the Court shall direct.

Hearing may be adjourned.

Affidavits may be received in opposition to Prisoner's Discharge, in certain Cases. 3 & 4 Vict. c. 107. s. 63.

CXLIII. Where any Prisoner shall be so brought before the Court, it shall be lawful for the Court to receive Affidavits of any Creditor or Creditors or other Person or Persons not resident within the County of Dublin or County of the City of Dublin aforesaid, in opposition to the Discharge of such Prisoner under this Act, and also, if the Court shall think fit to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the Court; and where any Prisoner shall be brought before any Assistant Barrister, pursuant to this Act, it shall be lawful for such Assistant Barrister to receive the Affidavits of any Creditor or Creditors or other Person or Persons not resident within the County where such Prisoner shall be brought up, in opposition to the Discharge of such Prisoner under this Act, and also, if such Assistant

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Barrister shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Assistant Barrister.

Court may compel the Attendance of Wife of Prisoner, and examine. 3 & 4 Vict. c. 107. s. 63.

CXLIV. It shall be lawful for the Court to summon and compel to attend before it the Wife of any such Prisoner (in like Manner as the Court is therein-before empowered to compel the Attendance of other Witnesses), and to examine her, for the finding out and Discovery of the Estate, Goods, and Chattels of such Prisoner concealed, kept, or disposed of by such Wife in her own Person or by her own Act, or by any other Person; and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn or examined, or for not fully answering to the Satisfaction of the Court, as would be incurred by any other Person offending in like Manner before the Court.

Schedule, Balance Sheets, and Accounts to be referred to the Official Assignee.

CXLV. The Official Assignee shall investigate the Accounts of every Insolvent, and examine into the Truth of his Schedule and Balance Sheets, and report thereon to the Court, and in particular whether there be any Reason to doubt the Truth or Fulness of the Insolvent's Discovery.

Court may adjudge a Prisoner to be discharged from Custody, and entitled to the Benefit of this Act. 3 & 4 Vict. c. 107. s. 65.

CXLVI. It shall be lawful for the Court, at such Hearing or adjourned Hearing as aforesaid, to order and adjudge that such Prisoner, on executing such Warrant of Attorney as is herein-after directed, shall be discharged from Custody, and entitled to the Benefit of this Act, (at such Time as to the Court, in pursuance of the Provisions herein-after contained in that Behalf, shall think fit,) as to the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition and Schedule as aforesaid from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of filing his Petition and Schedule as aforesaid, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor of such Prisoner, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in his Schedule so sworn to as aforesaid.

Court may adjudge Discharge, &c. to be forthwith, or

CXLVII. Where no Cause shall appear to the contrary, it shall be lawful for the Court to adjudge that such Prisoner shall be so discharged

discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Six Months in the whole, as the Court shall direct, to be computed from the Time of filing such Petition.

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not later than Six Months from the filing of the Petition.
3 & 4 Vict. c. 107 s. 66.

CXLVIII. The Discharge of any Prisoner shall and may extend to all Process issuing from any Court for any Contempt of any Court, for Nonpayment of Money or of Costs or Expenses in any Court, and in such Case the said Discharge shall be deemed to extend also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt or on purging the same; and every such Discharge as to any Debt or Damages shall be deemed to extend also to all Costs incurred by the Creditor before the filing of such Prisoner's Schedule, in any Action or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and all Persons as to whose Demands for any such Costs, Money, or Expenses as aforesaid any such Person shall be so discharged shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by this Act, subject, nevertheless, to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Prisoner's Estate and Effects.

Discharge may extend to Process for Contempt in Nonpayment of Money;

and to Costs incurred by Creditor, but subject to Taxation.
3 & 4 Vict. c. 107. s. 69.

CXLIX. The Discharge of any such Prisoner shall extend to any Sum or Sums of Money payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Securities; and every Person who would be a Creditor of such Prisoner for such Sum or Sums of Money if the same were presently due shall be admissible as a Creditor for the Value of such Sum or Sums of Money so payable as aforesaid, which Value the Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of making such Vesting Order as aforesaid; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act: Provided also, that it shall not be lawful for any Person entitled to any such Annuity to sue any Person who may be Surety for the Payment of such Annuity until such Annuitant shall, upon Application at any Time made to the Court in that Behalf, have had the said Annuity valued by the Court in manner aforesaid; and if such Surety, after such Valuation, duly confirmed by an Order of the Court,

Discharge may extend to Sums payable by way of Annuity, &c.
3 & 4 Vict. c. 107. s. 70.

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Court, pay the Amount of such Valuation, he shall be discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the said Annuity subsequent to the making of said Vesting Order shall have become due) pay the Amount of such Valuation, he may be sued for the accruing Payments or Gales of such Annuity until such Annuitant shall have been paid or satisfied the Amount of such Valuation, with Interest on the same at the Rate of Five Pounds per Centum per Annum from the Time of the making of the said Order confirming such Valuation; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant as a Creditor of such Prisoner, to the Amount in such Valuation so paid or satisfied as aforesaid by such Surety, and the Order for the Discharge of such Prisoner shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity: Provided always, that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividend received by such Annuitant out of the Estate and Effects of such Prisoner before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid: Provided also, that in case such Annuity shall be charged upon or payable out of any Lands, Tenements, or Hereditaments of such Prisoner, such Annuitant shall not be entitled to have such Annuity valued as aforesaid, or be entitled to prove on the Estate of such Prisoner, or to sue any such Surety as aforesaid, unless such Annuitant shall elect to release all such Lands, Tenements, and Hereditaments from all future or accruing Gales or Payments of such Annuity; and thereupon the said Lands, Tenements, and Premises shall stand charged with the Amount of such Valuation, and be liable to the Payment of the said Sum only, with Interest at the Rate of Five Pounds per Centum per Annum, until paid: Provided also, that if such Surety shall as aforesaid pay or satisfy the Amount of such Valuation, he shall, after such Payment and Satisfaction, stand in the Place of such Annuitant, as a Creditor upon such Lands, Tenements, and Hereditaments, to the Amount of such Sum so paid and satisfied, together with Interest at the Rate aforesaid until paid.

Not to prevent Mortgages and other Charges on Lands, as made prior to filing Petition of Insolvency or Vesting Order, from taking effect. 3 & 4 Vict. c. 107. s. 71.

CL. Nothing in this Act contained shall extend or be construed to prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner or any Part thereof, made prior to the making of such Vesting Order as aforesaid, from taking place upon the Lands, Tenements or Hereditaments or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment acknowledged by or obtained against any such Prisoner prior to the filing of the Petition of Insolvency or the making

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making of such Vesting Order as aforesaid from taking place upon the Lands, Tenements, or Real Estates of such Prisoner, unless in any of the said Cases the Creditor or Creditors having such Mortgage, Charge, Lien, Statute Staple, Statute Merchant, Recognizance, or Judgment shall elect to take and receive any Dividend under this Act in respect of such Debt, and being an Annuity Creditor shall elect to have his Annuity valued as herein-before mentioned; and such Creditor or Creditors shall cause such Election to be entered on the Files of the Court discharging such Prisoner: Provided nevertheless, that no such Creditor who shall not have so made and entered such Election shall be entitled to receive any Dividend under this Act in respect of any Debt so secured, or be admitted a Creditor for the Value of such Annuity as aforesaid.

Court, &c. may order Prisoner to be confined within the Walls of the Prison. 3 & 4 Vict. c. 107. s. 72.

CLI. In all such Cases where it shall be adjudged that any such Prisoner shall be discharged at some future Period, it shall be lawful for the Court, if it shall deem fit, to direct that such Prisoner shall be confined during any such Period within the Walls of the Prison.

CLII. No Appeal shall lie from any Order of the Court for the Discharge or Remand of an Insolvent.

Court, &c. may order Costs in certain Cases to be paid to opposing Creditors out of the Estate. 3 & 4 Vict. c. 107. s. 73.

CLIII. Whenever any Creditor or Creditors opposing any such Prisoner's Discharge shall prove to the Satisfaction of the Court that such Prisoner has done or committed any Act for which he may be liable to Remand, the Court may adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in case it shall appear to the said Court that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the Court to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

Where Opposition frivolous and vexatious, Costs may be awarded to Prisoner.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler. 3 & 4 Vict. c. 107. s. 74.

CLIV. Where any such Adjudication shall have been made by the Court, Order shall be made accordingly by the Court, in pursuance of such Adjudication, and the Court shall also issue a Warrant to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Adjudication shall take effect as from the Day on which it was made; and that every such Adjudication, and Certificate thereof, and Order thereupon,

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Specification of Debts, &c. not necessary in Order of Adjudication.

thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of the Court to be delivered to the Gaoler in that Behalf.

Adjudication may be conditional, in certain Cases. 3 & 4 Vict. c. 107. s. 75.

CLV. Where it shall appear to the Court that certain Matters ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing absolutely, it shall be lawful for the Court to pronounce an Adjudication, without issuing any Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters as aforesaid, and that on the Nonperformance thereof the Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives. 3 & 4 Vict. c. 107. s. 76.

CLVI. Where the Court shall adjudge that any such Prisoner shall be so discharged and so entitled at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison under and by virtue of such Order, at the Suit of any One or more of his or her Creditors, with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody in pursuance of such Remand until such Period shall have arrived, for doing which the Order of Remand in such Case shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler or Keeper to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Creditor under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week. 3 & 4 Vict. c. 107. s. 78.

CLVII. Where any such Prisoner shall, upon any such Adjudication, be liable to further Imprisonment at the Suit of his Creditors or any or either of them, it shall be lawful at any Time for the Court, on the Application of such Prisoner, to order the Creditor at whose Suit he shall be so imprisoned to pay such Prisoner such Sum or Sums

Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, at such Times, and in such Manner, and in such Proportions as the said Court shall direct; and that on Failure of Payment thereof as directed by the Court the Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Procedure in Insolvency.

CLVIII. Before any such Adjudication shall be made, the Court shall require such Prisoner to execute a Warrant of Attorney to authorize the entering up of a Judgment against such Prisoner in some One of the Superior Courts of Dublin, in the Name of the Assignee or Assignees of such Prisoner or of such Official Assignee, if no other Assignee shall have been appointed and shall have accepted such Office, for the Amount of the Debts stated in the Schedule of such Prisoner so sworn to as aforesaid to be due or claimed to be due from such Prisoner, or so much thereof as shall appear at the Time of executing such Warrant of Attorney to be due and unsatisfied; and it shall not be necessary that such Warrant of Attorney should be executed in the Presence of an Attorney for such Prisoner; and the Order of the Court for entering up such Judgment shall be a sufficient Authority to the proper Officer for entering up the same, and such Judgment shall have the Force of a Recognizance or a Judgment under this Act; and if at any Time it shall appear to the Satisfaction of the Court that such Prisoner is of Ability to pay such Debts or any Part thereof, or that he is dead leaving Assets for that Purpose, the Court may permit Execution or other Proceeding to be taken out upon such Judgment for such Sum of Money as under all the Circumstances of the Case the Court shall order, such Sum to be distributed rateably amongst the Creditors of such Prisoner according to the Mode herein-before directed in the Case of a Dividend made after Adjudication; and such further Proceedings shall and may be had upon such Judgment as may seem fit to the Discretion of the Court, from Time to Time, until the whole of the Debts due to the several Persons against whom such Discharge shall have been obtained shall be fully paid and satisfied, together with such Costs as the said Court shall think fit to award; and no Scire facias shall be necessary to revive such Judgment on account of any Lapse of Time, but Execution shall at all Times issue thereon by virtue of the Order of the Court: Provided always, that in case any such Application against any such Prisoner shall appear to the Court to be ill-founded and vexatious, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party or Parties making the same as to the Court shall appear reasonable, and the said Costs shall be paid accordingly.

Before Adjudication, the Prisoner shall execute Warrant of Attorney to confess Judgment for Amount of Debts in Schedule. 3 & 4 Vict. c. 107. s. 78.

Court may permit Execution to be taken out thereupon, when Insolvent is of Ability to pay, or is dead, leaving Assets.

No Scire facias necessary.

If Application ill-founded and vexatious, Court may dismiss the same, with Costs.

Procedure in Insolvency.

Where Insolvent shall, after Discharge become entitled to Property which cannot be taken in Execution, the Assignee may apply to Court for Relief.
3 & 4 Vict. c. 107. s. 79.

CLIX. In case any such Person shall, after he has become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become entitled to or possessed of in his own Right any Stock in the Public Funds of this Country or other Property, whether the same be in Ireland or elsewhere, and such Insolvent shall have refused to convey or assign or transfer such Stock or other Property, or so much thereof as may be sufficient to satisfy the said Judgment, then and in such Case it shall be lawful for the Assignees of such Insolvent to apply by Petition in a summary Way, setting forth the Facts of the Case, to the Court, and to pray that the Prisoner may be taken and committed to Custody, notwithstanding any such Adjudication and Discharge as aforesaid; and thereupon, if upon Examination by the Court, and hearing as well the said Assignee or Assignees as the said Insolvent, in case he shall appear, or the said Assignee or Assignees only, in case such Prisoner, due Notice having been given to him, shall not appear, it shall appear to the Court that the Contents of such Petition are true, then and in such Case the Court shall so declare and adjudge, and shall thereupon order the said Insolvent to be apprehended and committed to Custody within the Walls of any Prison which the Court shall direct, until he shall convey, assign, and transfer such Stock or other Property, or so much thereof as the Court shall direct, towards the Satisfaction of the said Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Insolvent.

Court may order Prisoner to be remanded in Custody until he transfers such Property.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.
3 & 4 Vict. c. 107. s. 80.

CLX. In case any Person shall, after any such Insolvent shall have become entitled to the Benefit of this Act, become or be possessed of or have under his or their Power or Control any Stock in the Public Funds, or any Legacy due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever belonging to such Insolvent, or held in trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person directing him to hold and retain the said Property till the Court shall make further Order concerning the same; and thereupon it shall be lawful for the Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of Ireland, or to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent, and such Delivery and Payment shall be made accordingly in obedience to such Order; and such Person shall by such Payment and Delivery be discharged in respect of such Property

Property and Debts against all Persons whatsoever, to all Intents and Purposes. *Procedure in Insolvency.*

CLXI. No Insolvent shall be imprisoned by reason of the Judgment so as aforesaid entered up against him or her according to this Act, unless by the Special Order of the Court, as herein-before mentioned, or for or by reason of any Debt or Sum of Money or Costs with respect to which such Insolvent shall have been discharged, or for or by reason of any Judgment, Decree, or Order for Payment of the same, but that upon every Arrest or Detainer in Prison upon any such Judgment so entered up as aforesaid, or for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out of such Writ or Process, to pay such Insolvent the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends. 3 & 4 Vict. c. 107. s. 81.

If arrested, to be released by Judge of the Court from which Process issued;

who may order the Costs to be paid to him.

CLXII. No Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Insolvent, shall issue on any Judgment obtained against such Insolvent for any Debt or Sum of Money with respect to which such Insolvent shall have been discharged, nor in any Action upon any new Contract or Security for Payment thereof, except upon the Judgment entered up according to this Act, and by Special Order of the said Court obtained for that Purpose as herein-before mentioned; and if any Suit or Action shall be brought or any Scire facias be issued against any such Insolvent, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Insolvent for the same, except as aforesaid, it shall be lawful for such Insolvent, his Heirs, Executors, or Administrators, to plead generally that such Insolvent was duly discharged according to this Act, by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Person was not duly discharged according to the Provisions thereof,

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends. 3 & 4 Vict. c. 107. s. 82.

Discharge under this Act may be pleaded generally.

Procedure in Insolvency.

in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, the Court may order Warrant of Attorney executed by Prisoner to be cancelled, and Satisfaction to be entered on the Judgment;

and a Re-assignment to be executed.
3 & 4 Vict c. 197. s. 83.

CLXIII. Whenever it shall appear to the Satisfaction of the Court that all the Debts in respect of which such Adjudication was made have been discharged, it shall be lawful for the Court, upon Application duly made, to direct the Warrant of Attorney executed by such Insolvent under this Act to be cancelled, or, if Judgment shall have been entered up thereon, to order Satisfaction to be entered on such Judgment, and the Order of the Court for entering up such Satisfaction shall be a sufficient Authority to the proper Officer for entering up the same; and if it shall appear to the Satisfaction of the Court, that, after the Debts of any such Insolvent shall have been so discharged, there shall remain in the Possession or vested in or otherwise subject to the Control of his or her Assignees any Part of the Estate or Effects of such Insolvent, it shall be lawful for the Court, on Application duly made, to order that the same shall be vested in the said Insolvent, his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly.

Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt.
3 & 4 Vict. c. 107. s. 84.

CLXIV. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Insolvent as aforesaid may be specified in his Schedule at an Amount which is not exactly the actual Amount thereof, or the Name or Description of a Creditor may be inaccurately set forth therein, or there may be some Omission or Misdescription therein, without any culpable Negligence or Fraud or evil Intention on the Part of such Insolvent: Be it enacted, That in such Case the said Insolvent shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake, Omission, or Misdescription in said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and to all Intents and Purposes, such Omission, Misdescription, or Error in the said Schedule notwithstanding.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing.
3 & 4 Vict. c. 107. s. 85.

CLXV. Every such Adjudication shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been obtained on false Evidence, or otherwise improperly or fraudulently obtained, in which Case it shall be lawful for the Court, upon the Application of the Assignees, or of any Creditor of such Insolvent, or of the Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the Court shall direct, to attend or to be brought up, and the said Matter to be reheard

heard before the Court, and the Court shall thereupon rehear the same, and may, if just Cause shall appear, annul the original Adjudication and Order thereupon, and shall have the same Powers and Authorities upon such Rehearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the Court may, if necessary, remand the said Insolvent to the same Custody in which he was at the Time of the former Hearing of the Matters of his Petition, there to be subject to Imprisonment as if the former Adjudication therein had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him, as if such former Adjudication had not been made; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and if such Prisoner shall refuse or neglect to appear before the Court, according to such Order for Rehearing, it shall be lawful for the Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the Court shall seem fit: Provided always, that where upon such Rehearing it shall appear to the Court that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

Procedure in Insolvency.

Insolvent refusing to appear may be apprehended, &c.

In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

CLXVI. If in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, it shall be lawful for the Court, on such Error being shown to the Court, to revoke such Order and Warrant, and to annul, suspend, or amend the same according to such Adjudication, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed

Where an Order of Discharge has been issued by Mistake, the Court may revoke and amend same. 3 & 4 Vict. c. 107. s. 86.

Procedure in Insolvency.

deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee. 3 & 4 Vict. c. 107. s. 86.

CLXVII. And whereas the Estate, both Real and Personal, of any Insolvent, may not be sufficiently described or discovered in his Schedule, or the Assistance of such Person may be necessary to adjust, make out, recover, or manage his Estate or Effects: Be it therefore enacted, That it shall be lawful for the Assignee from Time to Time to apply to the Court that such Person may be further examined as to any Matters or Things relating to his Estate and Effects, and the Court may, if it shall see fit, make Order accordingly; and in case such Person shall neglect or refuse to appear before the Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for the Court to commit such Person to the Four Courts, Marshalsea, in the City of Dublin, or to the Common Gaol of any County or Place, there to remain without Bail or Mainprise until such Time as he shall submit himself to the Order of the Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required to all such lawful Questions as shall be put to him for the Purposes aforesaid.

Prisoner refusing to appear or to answer Questions may be committed.

Persons wilfully omitting anything in the Schedule, guilty of a Misdemeanor, and liable to Three Years Imprisonment and Hard Labour. 3 & 4 Vict. c. 107. s. 88.

CLXVIII. In case any Prisoner shall, with Intent to defraud the Creditors or Creditor of such Prisoner, wilfully and fraudulently omit in his Schedule so sworn to as aforesaid any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other necessaries, Property of greater Value than Twenty Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor, and thereupon it shall be lawful for the Court before whom such Offender shall have been so tried and convicted to sentence such Offender to be imprisoned and kept to Hard Labour for any Period of Time not exceeding Three Years; and that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth any Proceeding of or in the Court, except so much of the Schedule of such Prisoner as may be necessary for the Purpose of showing such wilful and fraudulent Omission.

Indictment need only set out Substance of Offence charged.

Provisions of Act extended to married Women. 3 & 4 Vict. c. 107. s. 90.

CLXIX. The Provisions of this Act shall extend to married Women being Prisoners within the Intent and Meaning of this Act, but the vesting of the Estate and Effects of any such married Woman in

in such Official Assignee as aforesaid, under the Provisions of this Act, shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries not exceeding in the whole the Value of Twenty Pounds, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in possession, remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively, and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner shall apply to such Real or Personal Estate and Effects respectively, in the same Manner as the same would apply to such Real or Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein, and such married Woman shall also execute a Warrant of Attorney to confess Judgment in One of the Superior Courts aforesaid for the Amount of the Debts remaining unpaid from which she shall be so discharged as aforesaid, and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding the Coverture.

Procedure in Insolvency.

CLXX. Such Judgment shall not in any Manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt, in case she shall die in the Lifetime of such Husband, to the end that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Courtesy; and in case such Woman shall during the Lifetime of her Husband become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property by Suit in Equity or otherwise, under the Order of the Court; and in case such Woman shall survive her said Husband, such Judgment may be after his Death enforced against such Woman, or her Property, Real and Personal, in such and the same Manner and with the same Effect as it might have been if she had been sole and unmarried at the Time when she executed such Warrant of Attorney, and at the Time when such Judgment shall have been entered up aforesaid: Provided always, nevertheless, that the Discharge of any married Woman under the Authority of this Act shall not operate to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, so

Judgment against married Women not to prejudice Rights of Husband. 3 & 4 Vict. c. 107. s. 90.

Procedure in Insolvency.

far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

Mode of proceeding with Prisoners of unsound Mind. 3 & 4 Vict. c. 107. s. 91.

CLXXI. If any Person who shall at any Time be a Prisoner in any such Prison as aforesaid, upon any such Process as aforesaid, shall be or become of unsound Mind, the Gaoler or Keeper of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be, to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be inserted in the "Dublin Gazette," and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the Court shall see fit, that Application will be made to the Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least, from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act, and the Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind, and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Official Assignee, pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the Court for the Discharge

Application may be made by Persons on behalf of such Prisoners.

Court may discharge such Prisoners.

charge of such Prisoner, be vested in the Assignees named in the said Order, or in any other Order of the Court in that Behalf, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind, and such Order as aforesaid had been made vesting the same in such Assignees at the Time and in the Manner in this Act provided; and that it shall be lawful for the Court to order Judgment to be entered up against such Prisoner in the same Manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment in the Manner herein-before directed, and such Order shall be a sufficient Authority to the proper Officer for entering up the same; and the Discharge of every such Prisoner of unsound Mind so made as aforesaid shall extend to all Debts and Sums of Money to which the same might have extended if such Prisoner had been of sound Mind, and had duly filed his Schedule according to the Provisions of this Act.

Procedure in Insolvency.

Court may order Judgment to be entered up.

CLXXII. This Act shall not extend or be construed to extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offience committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offience, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

This Act not to extend to discharge Crown Debtors, &c., unless Treasury give Consent. 3 & 4 Vict. c. 107. s. 92.

CLXXIII. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the Court shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto.

Sheriffs, &c. indemnified for obeying Orders of Court. 3 & 4 Vict. c. 107. s. 95.

CLXXIV. All Rules, Orders, Warrants, and other Proceedings of the Court may be in such Form and contain such Particulars as the Court shall by any General Orders to be made from Time to Time direct, and the same shall not be invalidated by reason of any Want of Form or Omission therein.

Form of Rules and Proceedings of the Court. 3 & 4 Vict. c. 107. s. 96.

CLXXV. All Affidavits to be used before the Court or any Officer of the Court shall and may be sworn before the Court, or any Commissioner appointed by the Court for the Purpose of taking Affidavits, or any of the Superior Courts of Law, or any Justice of the Peace in his proper Jurisdiction, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of Law in Dublin, or any Inspector, Keeper, or Governor of any Gaol in

Before whom Affidavits are to be sworn. 3 & 4 Vict. c. 107 s. 97.

Procedure in Insolvency.

Ireland, or in England or Scotland before a Justice of the Peace of the County, Division, City, Town, or Place where the said Affidavit shall be sworn, or any Commissioner of the Court for the Relief of Insolvent Debtors in England, or any Officer of the said Court in England authorized to take Affidavits in the said Court in England, and the said several Persons are hereby authorized and required to administer the same accordingly.

No Fees payable for swearing Affidavits.

CLXXVI. No Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any Gaol, for or in respect of the swearing of any Affidavit according to this Act.

Of Proof of Debts and Payment in full.

And with respect to the Proof of Debts, and Payments in full, be it enacted as follows:

When and how Debts may be proved. 6 & 7 W. 4. c. 14. s. 56. 12 & 13 Vict. c. 106. s. 164.

CLXXVII. At the Sittings appointed by the Court for the Choice of Assignees and for the last Examination of the Bankrupt, and for the Hearing of the Insolvent, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, and whereof and of the Purport thereof *Ten* Days Notice shall have been given in the "Dublin Gazette," every Creditor of the Bankrupt or Insolvent may prove his Debt by his own Oath, and all

By Corporations, &c.

Bodies Politic and Public Companies, incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent, and that he is authorized to make such Proof;

Creditor may be examined upon Oath.

and any Creditor may prove by Affidavit sworn before any of the Persons authorized to take Affidavits under this Act; provided, that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove. 6 & 7 W. 4. c. 14. s. 58. 12 & 13 Vict. c. 106. s. 165.

CLXXVIII. Every Person with whom any Bankrupt shall have really and bonâ fide contracted any Debt or Demand before the issuing of the Commission or the filing of the Petition of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed, provided such Person had not at the Time the same was contracted Notice of any Act of Bankruptcy by such Bankrupt committed.

If Bankrupt an Officer of and have Monies, &c. in

CLXXIX. If any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society

Society established under any of the Acts relating to Friendly Societies, and being intrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied.

his Hands belonging to any Friendly Society, Court may order Payment thereof before any of his other Debts are satisfied. 12 & 13 Vict. c. 106. s. 167.

CLXXX. When any Bankrupt or Insolvent shall have been indebted to any Servant or Clerk of such Bankrupt or Insolvent in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding *Six* Months Wages or Salary, and not exceeding *Thirty Pounds*, to be paid to such Servant or Clerk out of the Estate of such Bankrupt or Insolvent, and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Three Months Wages or Salary to Clerks or Servants. 6 & 7 W. 4. c. 14. s. 59. 12 & 13 Vict. c. 107. s. 40. 12 & 13 Vict. c. 106. s. 168.

CLXXXI. When any Bankrupt or Insolvent shall have been indebted to any Labourer or Workman in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be due, not exceeding *Forty Shillings*, to be paid to such Labourer or Workman out of the Estate, and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Wages not exceeding 40*s.* to Labourer or Workman. 12 & 13 Vict. c. 107. s. 41. 12 & 13 Vict. c. 106. s. 169.

CLXXXII. Where any Person shall have been an Apprentice to a Bankrupt or Insolvent at the Time of the filing of a Petition of Bankruptcy or Insolvency, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and bonâ fide paid by or on the Behalf of such Apprentice to the Bankrupt or Insolvent as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt or Insolvent, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice

Apprentices to Bankrupts or Insolvents discharged from their Indentures. Court may order any Sum to be repaid in respect of Apprentice Fees. 6 & 7 W. 4. c. 14. s. 60. 12 & 13 Vict. c. 106. s. 170.

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shall have resided with the Bankrupt previous to the filing of such Petition or the issuing of such Commission.

Mutual Debts and Credits may be set forth, notwithstanding prior Act of Bankruptcy.
6 & 7 W. 4. c. 14. s. 61.
12 & 13 Vict. c. 106. s. 171.

CLXXXIII. Where there has been mutual Credit given by the Bankrupt or Insolvent and any other Person, or where there are mutual Debts between the Bankrupt or Insolvent and any other Person, the Court shall state the Account between them, and One Debt or Demand may be set against another, notwithstanding, in case of Bankruptcy, any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt or Insolvent may also be set off, in manner aforesaid, against such Estate; provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.
6 & 7 W. 4. c. 14. s. 62.
12 & 13 Vict. c. 106. s. 172.

CLXXXIV. Any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of *Six* Pounds per Centum per Annum, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.
6 & 7 W. 4. c. 14. s. 63.
12 & 13 Vict. c. 106. s. 173.

CLXXXV. Any Person who at the filing of a Petition of Bankruptcy or Insolvency shall be Surety or liable for any Debt of the Bankrupt or Insolvent, or Bail for the Bankrupt or Insolvent, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the filing of the Petition of Bankruptcy or Insolvency, if the Creditor shall have proved his Debt under the Bankruptcy or Insolvency, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy or Insolvency which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy

or

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or Insolvency, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and, after Loss, to prove. 6 & 7 W. 4. c. 14. s. 64. 12 & 13 Vict. c. 106. s. 174.

CLXXXVI. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition of Bankruptcy or Insolvency against such Obligor or Insuror; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt or insolvent shall be entitled to prove any Loss to which such Bankrupt or Insolvent shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Persons effecting Insurance admitted to prove any Loss.

Any Annuity Creditor admitted to prove. 6 & 7 W. 4. c. 14. s. 65. 12 & 13 Vict. c. 106. s. 175.

CLXXXVII. Any Annuity Creditor of any Bankrupt or Insolvent, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy or Insolvency, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the filing of the Petition of Bankruptcy or Insolvency.

Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in under the Bankruptcy or Insolvency. 6 & 7 W. 4. c. 14. s. 66. 12 & 13 Vict. c. 106. s. 176.

CLXXXVIII. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt or Insolvent to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's or Insolvent's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy or Insolvency shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon

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at the Rate of *Five Pounds* per Centum per Annum from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt or the final Discharge of the Insolvent shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy or Insolvency before such Surety shall have fully paid or satisfied the Amount so proved.

Debt contingent at the Time of the Bankruptcy or Insolvency to be provable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after Contingency has happened, Amount of Debt may be proved.
6 & 7 W. 4. c. 14. s. 67.
12 & 13 Vict. c. 106. s. 177.

CLXXXIX. If any Bankrupt or Insolvent shall, before the issuing of the Commission or the filing of a Petition of Bankruptcy or Insolvency, have contracted any Debt payable upon a Contingency which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved.
12 & 13 Vict. c. 106. s. 178.

CXC. If any Bankrupt or Insolvent shall have contracted, before the filing of a Petition of Bankruptcy or Insolvency, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted to prove such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided such Person had not at the Time such Liability was contracted Notice of an Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within *Six* Months after the filing of such Petition, it may,

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may, upon the Application of the Assignees, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged, either in whole or in part, from the Proceedings.

On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed. 5 & 6 Vict. c. 39. 12 & 13 Vict. c. 106. s. 179.

CXCI. In case of the Bankruptcy or Insolvency of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act to amend the Law "relating to Advances bonâ fide made to Agents intrusted with "Goods," the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy or Insolvency, or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

Interest upon Debts when provable, though not reserved or agreed for. 6 & 7 W. 4. c. 14. s. 68. 12 & 13 Vict. c. 106. s. 180.

CXCII. Upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition of Bankruptcy or Insolvency, and proveable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated at a Rate not exceeding *Five Pounds* per Centum per Annum, up to the issuing of the Commission or the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c. 6 & 7 W. 4. c. 14. s. 69. 12 & 13 Vict. c. 106. s. 181.

CXCIII. If any Plaintiff in any Action at Law or Suit in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt or insolvent, for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy or Insolvency, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency; and if any Defendant shall have obtained any Judgment, Decree, or Order in any such Action or Suit, or in the

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Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency.

Proving Debt to be an Election not to proceed against the Bankrupt or Insolvent by Action.
6 & 7 W. 4. c. 14. s. 70.
12 & 13 Vict. c. 106. s. 182.

CXCIV. No Creditor who has brought any Action or instituted any Suit against any Bankrupt or Insolvent in respect of a Demand prior to the Bankruptcy or Insolvency, or which might have been proved as a Debt under the Bankruptcy or Insolvency, shall prove a Debt under such Bankruptcy or Insolvency, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit; and the proving or claiming a Debt under any Bankruptcy or Insolvency by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy or Insolvency with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or Insolvent or his Assignees of the Costs of such Action or Suit so relinquished by him; and that where any such Creditor shall have brought any Action or Suit against such Bankrupt or Insolvent, jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt or Insolvent shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Petition of Bankruptcy or Insolvency be afterwards superseded or dismissed, may proceed in the Action as if he had not so proved or claimed.

Court may expunge Proof of any Debts which after Investigation do not appear to be due.
6 & 7 W. 4. c. 14. s. 71.
12 & 13 Vict. c. 106. s. 183.

CXCV. Whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of *Twenty Pounds* or upwards, that any Debt proved is not justly due, either in whole or in part, such Assignees or Creditors may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person who shall have so proved, together with any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court, upon the Evidence given on both Sides, or (if the Person who shall have proved shall not attend to be examined, having been first duly summoned, or Notice having been left at his last Place of Abode,) upon the Evidence adduced by such Assignees or Creditors, shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings; provided that such Assignees or Creditors requiring such Investigation shall, before it is instituted, sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has

Persons requiring Investigation to sign Undertaking for Costs.

proved

proved such Debt, such Costs to be recovered by Application to the Court upon which an Order for Payment thereof may be made by the Court; provided also, that such Assignees or Creditors may apply in the first instance to the Lord Chancellor, or either Party may appeal against the Determination of the Court of Bankruptcy and Insolvency.

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Applications may be made in first instance to Lord Chancellor.

And with respect to the Choice of Assignees in Bankruptcy and Insolvency, and their Rights and Duties, be it enacted as follows:

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CXCVI. The Court shall, by General Orders to be from Time to Time made pursuant to this Act, regulate and fix the Manner and Time of the Choice and Appointment of Creditors Assignees of the Bankrupt's or Insolvent's Estate and Effects; and all Creditors to the Amount of *Ten Pounds* and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor, upon Proof of the Execution thereof, either by Affidavit or by Oath before the Court vivâ voce; and the Choice and Appointment shall be made by the major Part in Value of the Creditors so entitled to vote; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Assignees how and when chosen. 6 & 7 W. 4. c. 14. ss. 55. 72. 80. 12 & 13 Vict. c. 107. ss. 77, 78. 12 & 13 Vict. c. 106. s. 139.

Court may reject or remove any Person chosen as unfit.

CXCVII. If One or more of the Partners of a Firm be a Bankrupt or Insolvent, any Creditor to whom the Bankrupt or Insolvent is indebted jointly with the other Partners of the Firm or any of them shall be entitled to prove his Debt for the Purpose of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificate, or of the Discharge of the Insolvent, or of any such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees. 6 & 7 W. 4. c. 14. s. 73. 12 & 13 W. Vict. c. 106. s. 140.

CXCVIII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency, all the Personal Estate and Effects of such Bankrupt or Insolvent, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before such Bankrupt shall have obtained his Certificate or such Insolvent shall have been discharged as an Insolvent, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Assignees for

Personal Estate to vest in Assignees. 6 & 7 W. 4. c. 14. c. 74. 12 & 13 Vict. c. 106. s. 141. 3 & 4 Vict. c. 107. s. 20.

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the Time being, for the Benefit of the Creditors of the Bankrupt or Insolvent; and no such Bankrupt or Insolvent, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of such Bankrupt or Insolvent by any Person, according to the Custom of City of Dublin or otherwise, but such Assignees shall have absolute Power and Remedy to recover the same in their own Names.

Real Estate to vest in Assignees. 6 & 7 W. 4. c. 14. s. 77. 12 & 13 Vict. c. 106. s. 142.

CXCIX. When any Person shall be adjudged a Bankrupt, or upon the filing of any Petition of Insolvency, all Lands, Tenements, and Hereditaments, except Copy or Customaryhold in England, Scotland, Ireland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any such Bankrupt or Insolvent is entitled, and all Interest to which such Bankrupt or Insolvent is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, or to such Insolvent before his final Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of such Bankrupt or Insolvent, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone, or jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

Where a Conveyance of the Property of a Bankrupt or Insolvent would require to be registered, the Certificate of the Appointment of the Assignees shall be registered. 6 & 7 W. 4. c. 14. s. 78. 12 & 13 Vict. c. 106. s. 143.

CC. Where, according to Law, any Conveyance or Assignment of any Real or Personal Property of a Bankrupt or Insolvent would require to be registered, enrolled, or recorded in any Registry Office in England, Wales, or Ireland, or in any Registry Office, Court, or other Place in Scotland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then and in every such Case the Certificate of the Appointment of Assignees of the Estate and Effects of the Bankrupt or Insolvent shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded; and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment

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ment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of Great Britain and Ireland, within *Two* Months of the Date of such Appointment, and as regards all other Places, within *Twelve* Months from the Date thereof.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.
12 & 13 Vict. c. 106. s. 144.

CCI. No Assignee of any Bankrupt's or Insolvent's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt or Insolvent engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt or Insolvent so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt.

Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court.
6 & 7 W. 4. c. 14. s. 89.
12 & 13 Vict. c. 106. s. 145.
3 & 4 Vict. c. 107. s. 38.

CCII. If the Assignees of any Bankrupt or Insolvent, being entitled to any Land, either under a Conveyance, Agreement, or otherwise, subject to any perpetual yearly Rent, or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Lease or Agreement for a Lease, as the Case may be, such Bankrupt or Insolvent shall not be liable to pay any Rent accruing after the filing of the Petition of Bankruptcy or Insolvency against him, or to be sued in respect of any subsequent Nonobservance or Nonperformance of any Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for a Lease, the Bankrupt or Insolvent shall not be liable, if, within One Month after he shall have had Notice that the Assignees have declined he shall give Notice thereof, and deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, if in his Possession or Procurement, to the Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Assignees shall not within a reasonable Time after being thereto required elect whether they will accept or decline such Land, or Conveyance or Agreement for Conveyance, or such Lease

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or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.
6 & 7 W. 4. c. 14. s. 90.
12 & 13 Vict. c. 106. s. 146.
3 & 4 Vict. c. 107. s. 37.

CCIII. If any Bankrupt or Insolvent shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them to deliver up the Agreement and the Possession of the Premises to the Vendor or Person claiming under him, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers previously vested in Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 91.
12 & 13 Vict. c. 106. s. 147.
3 & 4 Vict. c. 107. s. 37.

CCIV. All Powers vested in any Bankrupt or Insolvent which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt or Insolvent might have executed the same.

Court may order Bankrupts or Insolvents to join in Conveyances.
6 & 7 W. 4. c. 14. s. 92.
12 & 13 Vict. c. 106. s. 148.

CCV. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's or Insolvent's Estate, to order the Bankrupt or Insolvent to join in any Conveyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt or Insolvent, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right, or Title which such Bankrupt or Insolvent had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt or Insolvent may be redeemed.
6 & 7 W. 4. c. 14. s. 84.
12 & 13 Vict. c. 106. s. 149.

CCVI. If any Bankrupt or Insolvent shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day, by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt or Insolvent might have done; and after such Tender, Payment,

Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Of the Choice of Assignees, their Rights and Duties.

CCVII. The Assignees may, with the Approbation of the Court, appoint any Bankrupt or Insolvent to superintend the Management of the Estate, or to carry on the Trade for Behoof of the Creditors, or in any other respect to aid them in administering the Bankrupt's or Insolvent's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

Assignees may appoint the Bankrupt or Insolvent to superintend the Management of the Estate. 6 & 7 W. 4. c. 14. s. 135. 12 & 13 Vict. c. 106. s. 150.

CCVIII. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and require them to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy or Insolvency in their Possession, and to direct them to pay and deliver over to the Official Assignee all Monies, Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees.

Assignees to be subject to Orders of the Court. 6 & 7 W. 4. c. 14. s. 119. 12 & 13 Vict. c. 106. s. 151.

CCIX. If any Bankrupt or Insolvent shall at the Time of the Bankruptcy or the filing the Petition of Insolvency be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

In case of a Member of a Firm becoming bankrupt or insolvent, the Court may authorize Action or Suit in the Name of the Assignees and of the remaining Partner. 6 & 7 W. 4. c. 14. s. 103.' 12 & 13 Vict. c. 107. s. 43. 12 & 13 Vict. c. 106. s. 152.

Partner to have Notice, and be at liberty to show Cause.

Court may direct Partner to have Part of Proceeds.

CCX. The Assignees, with the Leave of the Court first obtained, upon Application to such Court, but not otherwise, may commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt or Insolvent might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put in respect

Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

6 & 7 W. 4. c. 14. s. 102. 12 & 13 Vict. c. 106. s. 153. 3 & 4 Vict. c. 107. c. 39.

respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt or Insolvent; and, with like Leave of the Court, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's or Insolvent's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt or Insolvent.

Reference to Arbitration may be made a Rule of Court. 12 & 13 Vict. c. 106. s. 154. 6 W. 4. c. 14. s. 102.

CCXI. If the Assignees shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of any of Her Majesty's Superior Courts of Law at Dublin, whether such Agreement contain a Clause to that Effect or not.

If Commission, Petition, or Adjudication be superseded, &c., Persons from whom the Assignees have recovered, or who have bonâ fide paid the Assignees, &c., discharged from Claims by the Bankrupt or Insolvent, provided they have no Notice of Proceedings to dispute Procedings to dispute Adjudication. 6 & 7 W. 4. c. 14. s. 108. 12 & 13 Vict. c. 106. s. 155.

CCXII. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Adjudication of Bankruptcy or Petition for Adjudication be afterwards annulled or dismissed, or in case the Petition of Insolvency be afterwards annulled or dismissed, from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made; and all Persons claiming under him, and all Persons who shall, without Action or Suit, bonâ fide deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him; provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute, supersede, or annul such Commission, Adjudication, or Petition, and such Action, Suit, or other Proceeding shall not have been commenced and prosecuted within the Time and in Manner allowed by this Act.

If Assignee indebted to Bankrupt's or Insolvent's Estate, his Certificate shall not discharge his future Effects in respect of such Debt. 6 & 7 W. 4. c. 14. s. 123. 12 & 13 Vict. c. 106. s. 156.

CCXIII. If any Assignee, indebted to the Estate of which he is such Assignee in respect of Money being Part of the Estate of the Bankrupt or Insolvent retained or employed by him, become bankrupt, and obtain his Certificate, it shall have the Effect only of freeing his Person from Arrest and Imprisonment, but his future Effects (his Implements of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Assignee as shall not be paid by Dividends under his Bankruptcy, and

and for Interest at the Rate of *Five* per Cent. per Annum on the whole Debt.

Of the Choice of Assignees, their Rights and Duties.

Suits not to abate by Death or Removal of Assignees. 12 & 13 Vict. c. 107. s. 79. 12 & 13 Vict. c. 106. s. 157. 3 & 4 Vict. c. 107. s. 41.

CCXIV. Whenever an Assignee shall die, or be removed, or a new Assignee shall be chosen, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Choice, allow the Name of the surviving or new Assignee to be substituted in the Place of the former, and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignees or Assignee, in the same Manner as if they or he had originally commenced the same.

If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court. 6 & 7 W. 4. c. 14. s. 107. 12 & 13 Vict. c. 107. s. 27. 12 & 13 Vict. c. 106. s. 158. 3 & 4 Vict. c. 107. s. 32.

CCXV. If the Assignees commence any Action or Suit for any Money due to the Bankrupt's or Insolvent's Estate, any Defendant in any such Action or Suit shall be entitled to pay the same or any Part thereof to the Official Assignees, and all Proceedings with respect to the Money so paid shall thereupon be stayed; and after such Payment of Money it shall not be lawful for the Bankrupt or Insolvent to proceed against the Defendant for Recovery of the same Money, even though the Adjudication or Petition should afterwards be annulled or dismissed.

Protection to Assignees if Prisoner discharged without Adjudication. 3 & 4 Vict. c. 107. s. .

CCXVI. In case any Prisoner who shall have filed a Petition of Insolvency, or against whom a Petition of Insolvency has been filed by any Creditor, shall, by the Consent or Default of his detaining Creditor or Creditors, be discharged out of Custody without any Adjudication being made in that Behalf by the Court, all the Acts done before his Discharge by the Assignees or other Persons acting by the Authority of the Court shall, according to the Provisions of this Act, be good and valid; and in such Case no Action or Suit shall be commenced against any Assignee appointed under this Act, or any Person duly acting under their Authority or the Authority of the Court, except to receive any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the Court for the Delivery thereof, and Demand made thereupon.

Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs. 6 & 7 W. 4. c. 14. s. 54. 12 & 13 Vict. c. 106. s. 159.

CCXVII. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within *Six* Months next after the Fact committed; and the Defendant in any such Action may plead that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue

his Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive such full and reasonable Indemnity, as to all Costs, Charges, and Expenses incurred in and about any such Action, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

Of the Audit.

And with respect to the Audit, be it enacted as follows:

Appointment for Sitting for Audit. 6 & 7 W. 4. c. 14. s. 124. 12 & 13 Vict. c. 106. s. 185. 3 & 4 Vict. c. 107. s. 49.

CCXVIII. The Court shall, whenever it shall think fit, upon a public Sitting, of which Ten Days Notice shall be given in the "Dublin Gazette," audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when and on what Account, and how the same has been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively; and it shall be lawful for the Court to examine the Assignees upon Oath touching the Truth of such Accounts, and to make therein all just Allowances.

Court may direct Money to be invested in Exchequer Bills. 6 & 7 W. 4. c. 14. s. 121. 12 & 13 Vict. c. 106. s. 186.

CCXIX. The Court may, as often as it shall appear expedient for the Bankrupt's or Insolvent's Estate, direct any Money, Part of such Estate, to be vested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills or Funds to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Excequer Bills, or in the Public Funds, or to be applied for the Benefit of the Creditors, the making of any such Purchase or Sale to be subject to the Rules or Orders at any Time in force under this Act relating to the Purchase, Sale, or Transfer of Exchequer Bills or Funds in Bankruptcy or Insolvency.

Of Dividend.

And with respect to the Dividend, be it enacted as follows:

Method of making Dividends. 6 & 7 W. 4. c. 14. s. 125. 12 & 13 Vict. c. 106. s. 187.

CCXX. The Court shall, whenever it shall think fit, appoint a public Sitting, whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette," to make a Dividend of the Bankrupt's or Insolvent's Estate, and shall at such Sitting direct such Part of the net Produce of the Bankrupt's or Insolvent's Estate as it may think fit to be forthwith divided amongst such Creditors as have proved Debts under the Bankruptcy or Insolvency in proportion to their respective Debts, and shall make an Order in Writing under the Hand of the Commissioner for Dividend accordingly, to be filed with the Proceedings,

Of the Audit.

ceedings, which Order shall contain an Account of the Amount of the Debts proved, of the Money to be divided, of how much in the Pound is then required to be paid to the Creditors, and of the Money allowed by the Court to be retained, and of the Reason for retaining the same; and the Official Assignee, in pursuance of such Order, shall forthwith make such Dividend in manner directed by the Rules at any Time in force under this Act relating to the Mode of Payment of Dividends by the Official Assignees, but no Dividend shall be declared unless the Accounts of the Assignees shall have been first audited.

No Dividend without previous Audit.

Final Dividend within Eighteen Months, except where Suit depending or Estate standing out, &c. 6 & 7 W. 4. c. 14. s. 127. 12 & 13 Vict. c. 106. s. 188.

CCXXI. If the Bankrupt's or Insolvent's Estate shall not have been wholly divided upon the First Dividend, the Court shall, within *Eighteen* Months after the filing of the Petition of Bankruptcy or Insolvency, appoint a public Sitting, whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette," to make a Second Dividend, when all Creditors who have not proved their Debts may prove the same, and at such Sitting, but after such an Audit as is directed by this Act, shall order the Balance in hand to be forthwith divided among such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt or Insolvent shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within *Two* Months after the same shall be so converted the same shall also be divided in manner aforesaid; and if at the Expiration of *Two* Years from the issuing out of any Commission, or the filing of any Petition of Bankruptcy or Insolvency, there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt or Insolvent which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property, and also the Books of the Bankrupt or Insolvent relating to his Trade, Dealings, or Estate, in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees of such Bankrupt or Insolvent might have done.

Outstanding Debts, &c. may be sold by the Assignees, after a certain Time, under the Order of the Court.

Debtor and Creditor Account to be furnished by Official Assignee to Creditor's Assignee, &c. before final Dividend.

CCXXII. *Fourteen* Days before a final Dividend shall be advertised under any Bankrupt's or Insolvent's Estate, there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and Creditor Account between the Official Assignee and such

12 & 13 Vict. c. 107. s. 36. 12 & 13 Vict. c. 106. s. 189.

Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall have proved or claimed a Debt, or to any other Person, such other Person paying such Sum, not exceeding *Two Shillings and Sixpence*, as shall be settled by the Court, for every such Copy.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court. 6 & 7 W. 4. c. 14. s. 129. 12 & 13 Vict. c. 106. s. 190.

CCXXIII. No Action for any Dividend shall be brought against any Assignee by any Creditor, but if the Official Assignee shall refuse to pay any such Dividend the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

Of Unclaimed Dividends.

Unclaimed Dividends, &c. to be paid to Bankrupt or Insolvent. 6 & 7 W. 4. c. 14. s. 128. 12 & 13 Vict. c. 106. ss. 191. 193.

CCXXIV. All unclaimed Dividends, and also any undivided Surplus of a Bankrupt's or Insolvent's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt or Insolvent, shall be paid to the Bankrupt or Insolvent, after such Period as the Lord Chancellor shall, by any General Order, direct, if the Court shall consider the Bankrupt or Insolvent deserving thereof; but if the Court shall not order Payment of such unclaimed Dividend or undivided Surplus to the Bankrupt or Insolvent, then they shall be paid into the "Consolidated Fund," subject to the Order of the Lord Chancellor or of the Court of Bankruptcy and Insolvency, for the Payment thereout of any Dividend due to any Creditor.

Of Allowances to the Bankrupt or Insolvent.

And with respect to Allowances to the Bankrupt or Insolvent:

Excepted Articles to be allowed to a Bankrupt or Insolvent. 17 & 18 Vict. c. 119. ss. 25, 26, 27.

CCXXV. Every Person who shall become bankrupt or insolvent after the Commencement of this Act shall be entitled to retain, for the Use of himself and his Family, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries, as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy or Insolvency, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy or Insolvency; and in all Cases there shall be filed with the Proceedings an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued; and the reasonable Expenses and Charge of and for such Valuation, when taxed, shall be paid by the Official Assignee out of the Proceeds of the Estate

Estate of the Bankrupt or Insolvent, under the Order of the Commissioner.

Of Allowances to the Bankrupt or Insolvent.

CCXXVI. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt or Insolvent shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Commissioner; and the Commissioner may, upon the Application of the Bankrupt or Insolvent, postpone the Removal and Sale of the same for such Time as the Commissioner, in the Exercise of his Discretion, shall think fit, having regard to the probable Value of the other Property of the Bankrupt or Insolvent, and he may permit and suffer the same to remain in the Use and Occupation of the Bankrupt or Insolvent, upon such Terms and Conditions and with such Security as to the Commissioner may seem proper, so as to protect the same from being made liable to or sold for the Payment of any Rent, Rates, or Taxes which might become due thereafter for or on account of any House or Premises wherein such Property may be placed, and from being made liable to be sold for the Payment of any Debt, Claim, or Demand whatsoever by reason of being in the Possession and Occupation of the Bankrupt or Insolvent; and the Commissioner may, at any Time when he shall think it necessary so to do, order the same to be taken by the Messenger or Assignee, and to be sold for the Benefit of the Creditors.

An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without the Order of a Commissioner.

CCXXVII. If the other Estate and Effects of the Bankrupt or Insolvent shall in the due Administration thereof pay to the Creditors such an Amount of Dividend as shall entitle the Bankrupt or Insolvent to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt or Insolvent shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles of Household Furniture, Tools, and Implements of Trade so accepted shall be delivered to him, and shall thereupon, without any Deed of Assignment, revest in the Bankrupt or Insolvent as his own Property; and the Official Assignee shall sell for the Benefit of the Creditors such Portions of such Articles as the Bankrupt shall not be entitled to retain; and such Deduction may be made from his Allowance for any Diminution in Value in such Articles, occasioned by his having continued to use them

If the Bankrupt or Insolvent shall be entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

Of Allowances to the Bankrupt or Insolvent.

them since the Bankruptcy or Insolvency, as the Commissioner may think reasonable (to be either paid by the Bankrupt or Insolvent in Money or the Amount thereof in Value retained in Goods).

Allowance to Bankrupt or Insolvent for Maintenance. 6 & 7 W. 4. c. 14. s. 132. 12 & 13 Vict. c. 106. s. 194.

CCXXVIII. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt or Insolvent out of his Estate as shall be necessary for the Support of himself and Family.

Allowance to Bankrupt 5 per Cent. and not exceeding 400*l.* as soon as 10*s.* paid in the Pound. 6 & 7 W. 4. c. 14. s. 146. 12 & 13 Vict. c. 107. s. 61. 12 & 13 Vict. c. 106. s. 195.

CCXXIX. Every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy *Five Shillings* in the Pound, shall be allowed and paid *Three Pounds* per Centum out of such Produce, provided such Allowance shall not exceed *Three hundred Pounds;* and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors *Ten Shillings* in the Pound, shall be allowed and paid *Five Pounds* per Centum out of such Produce, provided such Allowance shall not exceed *Four hundred Pounds;* and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors *Twelve Shillings and Sixpence* in the Pound, shall be allowed and paid as aforesaid *Seven Pounds Ten Shillings* per Centum, provided such Allowance shall not exceed *Five hundred Pounds;* and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors *Fifteen Shillings* in the Pound or upwards, shall be allowed and paid *Ten Pounds* per Centum, provided such Allowance shall not exceed *Six hundred Pounds:* Provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of *Six* Months from the issuing of the Commission or the filing of the Petition of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such *Six* Months shall have proved Debts being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to *Five Shillings* in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding *Three Pounds* per Centum and *Three hundred Pounds.*

$7\frac{1}{2}$ per Cent. and not exceeding 500*l.*, if 12*s.* 6*d.*

10 per Cent. and not exceeding 600*l.* if 15*s.*

Allowance not payable till Six Months after the Bankruptcy, and then only if requisite Amount of Dividends paid.

If at the Expiration of Six Months the Dividends paid be under 5*s.*, Bankrupt may be allowed not exceeding 3 per Cent. and 300*l.*

One Partner may receive Allowance although other not entitled. 6 & 7 W. 4. c. 14. s. 147.

CCXXX. In all joint Commissions or Petitions of Bankruptcy under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance

Allowance although the other Partner may not be entitled to any Allowance.

12 & 13 Vict. c. 107. s. 62. 12 & 13 Vict. c. 106. s. 196.

If the Produce of Estate pay 20*s.* in the Pound and leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts.

CCXXXI. If the Produce of the Estate of any Bankrupt shall be sufficient to pay *Twenty Shillings* in the Pound, with such Interest as the Court shall allow to the Creditors, and to leave a Surplus, the Court shall order such Surplus to be paid to such Bankrupt, his Executors, Administrators, or Assigns; and every such Bankrupt shall be entitled to recover the Remainder, if any, of the Debts due to him.

6 & 7 W. 4. c. 14. s. 150. 12 & 13 Vict. c. 106. s. 197.

Search Warrants may be granted.

CCXXXII. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt or Insolvent is concealed in any House or other Place not belonging to such Bankrupt or Insolvent, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court; and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants or other Person shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (O.) to this Act annexed, or to the like Effect.

6 & 7 W. 4. c. 114. s. 42. 12 & 13 Vict. c. 107. s. 42. 12 & 13 Vict. c. 106. s. 106.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

CCXXXIII. No Action shall be brought against any Messenger or his Assistants or other Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for *Six* Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant or Person so appointed, without making the Petitioning Creditor or Assignee a Defendant, the Jury at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant, nothwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor or Assignee, and the Messenger or Assistant or Person so appointed, the Jury shall, on Proof of such Warrant, give their Verdict for such Messenger or Assistant or Person so appointed, notwithstanding any such Defect of Jurisdiction; and if the Verdict shall be given against the Petitioning

6 & 7 W. 4. c. 14. s. 44. 12 & 13 Vict. c. 106. s. 107.

Creditor or Assignee, the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Messenger and his Assistant or Person so appointed as aforesaid.

Power of Court over Property, &c. of Bankrupts and Insolvents.

Court may summon and examine Bankrupt.
6 & 7 W. 4. c. 14. s. 49.
12 & 13 Vict. c. 106. s. 119.

CCXXXIV. The Court may summon any Bankrupt or Insolvent before it, whether such Bankrupt shall have obtained his Certificate or such Insolvent have obtained his Discharge, or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt or Insolvent, either in Ireland or Great Britain, and to bring him before the Court, provided the Warrant, if executed in England or Scotland, shall be verified upon Oath, and backed or indorsed as herein-before mentioned in that Behalf: Upon the Appearance of such Bankrupt or Insolvent, or if such Bankrupt or Insolvent be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt or Insolvent upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt or Insolvent shall sign and subscribe.

Court may summon and examine the Bankrupt's Wife.
6 & 7 W. 4. c. 14. s. 50.
12 & 13 Vict. c. 106. s. 118.

CCXXXV. It shall be lawful for the Court to summon before it the Wife of any Bankrupt or Insolvent, and to examine her upon Oath, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt or Insolvent concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as is herein-after provided.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.
6 & 7 W. 4. c. 14. s. 46.
12 & 13 Vict. c. 106. s. 120.

CCXXXVI. After Adjudication in Bankruptcy, or the filing of a Petition in Insolvency, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt or Insolvent, or concerning any Act of Bankruptcy committed by such Bankrupt, or any Information material

material to the full Disclosure of the Dealings of such Bankrupt or Insolvent; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Power of Court over Property, &c.

CCXXXVII. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any Summons, Notice, or Order is or is to be directed is keeping out of the Way, and cannot be personally served therewith, it shall be lawful for the Court to order that the Delivery of a Copy of such Summons, Notice, or Order to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service; and in every such Case the Service of such Summons, Notice, or Order, in pursuance of such Order, shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if the Party to whom such Summons, Notice, or Order was directed had been personally served therewith.

Service of Summons where Persons keep out of the Way. 12 & 13 Vict. c. 107. s. 72. 12 & 13 Vict. c. 106. s. 121.

CCXXXVIII. Upon the Appearance of any Person summoned or brought before the Court upon any Warrant as aforesaid, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt or Insolvent, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person; and such Answers, so reduced into Writing, such Person examined is hereby required to sign and subscribe.

Power to examine Persons summoned or present at any Sitting. 6 & 7 W. 4. c. 14. s. 47. 12 & 13 Vict. c. 106. s. 122.

CCXXXIX. If any Person examined as last aforesaid shall in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule (R.) to this Act annexed, admit that he is indebted to the Bankrupt or Insolvent in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained

12 & 13 Vict. c. 106. s. 123. In a Case of Debts admitted to be due to Bankrupt's or Insolvent's Estate, Court may order Payment, and such Order to have Effect of Judgment.

Power of Court over Property, &c.

contained in the Schedule (S.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted in full Discharge thereof to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (Q.) to this Act annexed, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt or Insolvent; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly: Provided always, that it shall be the Duty of the Court to inform such Person of the Effect of such Admission, before the same is signed and subscribed as aforesaid; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

Court may order Letters addressed to Bankrupt or Insolvent to be re-directed, or delivered to Official Assignees, &c.
12 & 13 Vict. c. 106. s. 124.
10 & 11 Vict. c. 85. s. 11.

CCXL. The Court may order, that for a Period of *Three* Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt or Insolvent shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or other Assignee, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Official or other Assignee, or other Person named in such Order, of the making of such Order, it shall be lawful for the Postmaster General, or such Officers as aforesaid, in England, Scotland, or Ireland, to re-address, re-direct, send, or deliver all such Post Letters to the Official or other Assignee, or other Person named in such Order, accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period, as often as may be necessary.

Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be deemed his Property.
6 & 7 W. 4. c. 14. s. 86.
12 & 13 Vict. c. 106. s. 125.
3 & 4 Vict. c. 107. s. 45.
Not to apply to Assignment of

CCXLI. If any Bankrupt, at the Time he becomes bankrupt, or if any Insolvent, at the Time of the Commencement of his Imprisonment, shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy or Insolvency; but the Provisions of this Section shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way

way of Security, duly registered according to the Provisions of the Laws in force for the registering of British Vessels.

Vessels under the Laws for registering Vessels.

CCXLII. If any Bankrupt or Insolvent Debtor, being at the Time in insolvent Circumstances, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children or to any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors; and every such Sale shall be valid against the Bankrupt or Insolvent and such Children and Persons, and against all Persons claiming under him.

Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent. 6 & 7 W. 4. c. 14. s. 87. 12 & 13 Vict. c. 106. s. 126.

CCXLIII. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, or of any Insolvent after his Arrest or other Commencement of his Imprisonment, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt or Insolvent; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Court may sell Property improperly extended. 6 & 7 W. 4. c. 14. s. 85. 12 & 13 Vict. c. 106. s. 127.

CCXLIV. The Court may permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the Court.

Court may permit Mortgagees to bid at Sale. 12 & 13 Vict. c. 107. s. 67.

CCXLV. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt or Insolvent as, on Communication from the Court to the Secretary-of-War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt or Insolvent may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt or Insolvent, or to the Court of Directors of the East India Company, they respectively

Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for the Benefit of Creditors. 12 & 13 Vict. c. 107. s. 38. 3 & 4 Vict. c. 107. s. 44.

Power of Court over Property, &c.

tively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt or Insolvent; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee until the Court shall make Order to the contrary.

Where Bankrupt or Insolvent beneficially entitled to Stock, Court may make Order for Transfer.
6 & 7 W. 4. c. 14. s. 94.
12 & 13 Vict. c. 106. s. 128.

CCXLVI. If any Bankrupt or Insolvent shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, standing in his Name in his own Right, it shall be lawful for the Court by Writing to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignee; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Distress not to be available for more than One Half Year's Rent due; the Landlord to prove for the Residue.
6 & 7 W. 4. c. 14. s. 88.
12 & 13 Vict. c. 106. s. 129.
3 & 4 Vict. c. 107. s. 46.

CCXLVII. No Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the issuing of the Commission or the filing of the Petition of Bankruptcy, shall be available for more than Six Months Rent accrued prior to the issuing of the Commission or the Day of the filing of such Petition; and no Distress for Rent made and levied after the Arrest or other Commencement of the Imprisonment of any Person who shall file a Petition of Insolvency shall be available for more than Six Months Rent accrued prior to the filing of such Petition; but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt or Insolvent is a Trustee, the Court may order Conveyance or Assignment to another Trustee.
6 & 7 W. 4. c. 14. s. 93.
12 & 13 Vict. c. 106. s. 130.

CCXLVIII. If any Bankrupt or Insolvent shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, it shall be lawful for the Court, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Court shall think fit,

fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Court shall direct; and it shall be lawful in such Case for the Court, if it shall think it expedient, to appoint a new Trustee of the Property in the Place of the Bankrupt.

Power of Court over Property, &c.

CCXLIX. No Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Commission or Petition for Adjudication, or in any of the Proceedings under the same, unless the Bankrupt shall, within the Time allowed by this Act, have commenced Proceedings to dispute, supersede, or dismiss the Commission, Petition, or Adjudication, and duly prosecuted the same.

Titles to Property sold not to be impeached unless Proceedings taken to annul, and duly prosecuted.
6 & 7 W. 4. c. 14. s. 101.
12 & 13 Vict. c. 107. s. 26.
12 & 13 Vict. c. 106. s. 131.

CCL. After the Adjudication of Bankruptcy in any Case on a Creditor's Petition shall have been advertised in the "Dublin Gazette," or upon the filing of any Petition of Bankruptcy by a Trader, or of any Petition of Insolvency, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt or Insolvent, to pay and deliver over to the Official Assignee, or to the Bank of Ireland, to the Credit of the Assignees of the Bankrupt or Insolvent for the Time being, according to the Rules which may be in force with respect to Payment into the Bank of Ireland of Monies due to any Bankrupt's or Insolvent's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Insolvent or his Assignees; and all Goods and Chattels of any Bankrupt which shall at the Date and issuing of the Commission or Date of the Petition for Adjudication against him be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to any Person appointed by the Court.

The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.
12 & 13 Vict. c. 106. s. 132.
12 & 13 Vict. c. 107. s. 68.

Of Protected Transactions.

And with respect to protected Transactions with any Bankrupt:

CCLI. All Payments really and bonâ fide made by any Bankrupt, or by any Person on his Behalf, before the filing of a Petition of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt bonâ fide made and executed before the filing of such Petition, and all Contracts, Dealings, and

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy.

6 & 7 W. 4. c. 14. ss. 95, 96. 98. 12 & 13 Vict. c. 106. s. 133. 7 & 8 Vict. c. 90. s. 36.

and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale, before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed; provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment, or to any Delivery or Transfer of any Goods or Chattels, made by any Bankrupt, being a voluntary or fraudulent Preference of any Creditor of such Bankrupt; or to any Conveyance or Equitable Mortgage made or given by any Bankrupt, or to any Contract, Covenant, Dealing, or Transaction made or entered by and with any Bankrupt, by way of voluntary or fraudulent Preference of any Creditor of such Bankrupt; or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem, or Judge's Order obtained by Consent, given by any Bankrupt by way of voluntary or fraudulent Preference.

Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

Creditors having Security not to receive more tha other Creditors. 6 & 7 W. 4. c. 14. s. 126. 12 & 13 Vict. c. 106. s. 184. 2 & 3 Vict. c. 86. s. 1.

CCLII. No Creditor having Security for his Debt, or having made any Attachment in Dublin or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the filing of a Petition of Bankruptcy: Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order, declared to be null and void by any Provision of this Act; nor to give Validity to any Judgment entered up, under or by virtue of any such Warrant of Attorney or Consent, to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent; nor to give Validity to any Contract, Covenant, Dealing, or Transaction by way of voluntary or fraudulent Preference: Provided also, that nothing contained in this Act shall extend to any Security by Judgment obtained before the First of July One thousand eight hundred and thirty-

thirty-six, and before the Bankrupt became a Trader liable to be made Bankrupt, but such Judgment shall have the same Effect and Priority as if this Act had not been made.

CCLIII. No Judgment Creditor who, under the Provisions of an Act of Parliament passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Twenty-nine, Sections Six and Seven, shall have registered an Affidavit of his Judgment, shall be entitled thereby, in the event of the Bankruptcy of the Cognuzor, to any Priority or Preference over Simple Contract Creditors, unless such Affidavit shall have been registered Six Months before the Date of the Petition for Adjudication, and unless such Judgment Creditor shall have entered into actual Possession of the Lands and Premises specified in such Affidavit, or the Rents and Profits thereof, prior to said Date.

Bonâ fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Commission, &c. be sued out within Twelve Months after the Act of Bankruptcy.
6 & 7 W. 4. c. 14. s. 100.
7 & 8 Vict. c. 90. ss. 37, 38.
12 & 13 Vict. c. 106. s. 134.

CCLIV. No Purchase from any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition of Bankruptcy shall have been filed within *Six* Months after such Act of Bankruptcy.

Of Warrants of Attorney, &c.

Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void.
12 & 13 Vict. c. 106. s. 135.

CCLV. Every Warrant of Attorney to confess Judgment in any personal Action given by any Bankrupt or Insolvent after *the Commencement of this Act*, and within *Two* Months of the filing of a Petition of Bankruptcy or Insolvency by or against such Bankrupt or Insolvent, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit actionem or Consent to a Judge's Order for Judgment given by any Bankrupt or Insolvent at any Time after *the Commencement of this Act*, and within *Two* Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt or Insolvent, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt or Insolvent, such Bankrupt or Insolvent being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, (as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt or Insolvent in contemplation of Bankruptcy or Insolvency or not.

Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy

CCLVI. If after *the Commencement of this Act* any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit actionem in any personal Action, shall have been given by any

thereof be filed, &c. within 21 Days after the Execution thereof. 12 & 13 Vict. c. 106. s. 136. 3 & 4 Vict. c. 105.

any Bankrupt or Insolvent, and such Warrant of Attorney or Cognovit actionem, or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at Dublin in which Judgment on such Warrant of Attorney shall thereafter be entered up, within *Twenty-one* Days next after the Execution thereof, in Manner and Form provided by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled "An Act for abolishing Arrest on Mesne "Process in Civil Actions, except in certain Cases, for extending "the Remedies of Creditors against the Property of Debtors, and "for the further Amendment of the Law and the better Advance-"ment of Justice in Ireland," every such Warrant of Attorney and Cognovit actionem shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant of Attorney or Cognovit actionem which shall be so filed as aforesaid shall have been given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit actionem shall be null and void to all Intents and Purposes whatever.

Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits Actionem. 12 & 13 Vict. c. 107. s. 111. 12 & 13 Vict. c. 106. s. 137.

CCLVII. After *the Commencement of this Act*, the Provisions and Regulations of the said Act of the Third and Fourth Years of the Reign of Her present Majesty, with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession and Cognovit actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit or Proceeding in any of the Superior Courts of Law in Ireland, and to the numbering, entering, and searching for the same, in like Manner as to Warrants of Attorney and Cognovits actionem mentioned in the same Act; and if at any Time after *Twenty-one* Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment, and Consent for Judgment, a Petition of Bankruptcy shall be presented by or against the Person, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, or if at any Time after said Period of *Twenty-one* Days a Petition of Insolvency shall be presented by or against such Person, and a Vesting Order made thereon, then, unless such Plea, Cognovit, Acknowledgment, or Consent for Judgment shall have been (within *Twenty-one* Days from the Execution or signing thereof) duly filed, pursuant to the Provisions of the same Act, or unless, within the same Period, Judgment

ment shall have been entered thereon, and registered according to the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy or Insolvency, and such Assignees shall be entitled to recover, for the Benefit of his Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Of Warrants of Attorney, &c.

7 & 8 Vict. c. 90.

CCLVIII. If at any Time after *Twenty-one* Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act, or of the herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty,) a Petition of Bankruptcy shall be filed against the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if at any Time after said Period of *Twenty-one* Days a Petition of Insolvency shall be presented by or against such Person, and a Vesting Order made thereon, then and in such Case, unless such Judgment shall have been duly registered, within *Twenty-one* Days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignee or Assignees under such Commission or Petition, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Insolvent, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution: Provided always, that nothing in this Act contained shall repeal or affect the Provisions of the One hundred and tenth, One hundred and eleventh, and One hundred and thirteenth Clauses of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, intituled "An Act for the Amendment of the Law of Bankruptcy "in Ireland," so far as relates to the Effect upon any such Warrant of Attorney or Cognovit actionem, or Plea of Confession and Cognovit actionem, or Acknowledgment or Consent for Judgment, or any Judgment or Execution thereon, of the Insolvency of the Person giving, executing, or signing the same.

Judgments not registered within Twenty-one Days of entering to be void.

12 & 13 Vict. c. 107. s. 113.

CCLIX. There shall be payable to the Masters of the said Superior Courts a Fee of *One Shilling*, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books

Fee for Search.

12 & 13 Vict. c. 107. s. 112.

Books shall be searched, and whether the Search shall be against One or more Persons.

Exemptions from Stamp Duty, &c.

Deeds and other Instruments relating to Bankruptcy or Insolvency not liable to Stamp Duty.
12 & 13 Vict. c. 106. s. 138.
6 W. 4. c. 14. s. 116.
12 & 13 Vict. c. 107. s. 115.

CCLX. No Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt or Insolvent, or Part or Parcel thereof, and which, after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively, shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt or Insolvent, or of the Assignee appointed or chosen under any Bankruptcy or Insolvency, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever, relating solely to the Estate or Effects of any Bankrupt or Insolvent, or to any Part thereof, or to any Proceedings under any Bankruptcy or Insolvency, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the "Dublin Gazette" relating solely to Matters in Bankruptcy or Insolvency, shall be liable to any Stamp Duty or to any other Duty whatsoever.

Discretion given to the Court as to the Disposal of Property in certain Cases.
3 & 4 Vict. c. 107. s. 36.

CCLXI. And whereas Bankrupts and Insolvents whose Estates have under this Act been vested in the Official or other Assignees may be entitled to Property under such Circumstances that the immediate Sale thereof for the Payment of their Debts may be very prejudicial: In all such Cases it shall be lawful for the Court to take into consideration all Circumstances affecting the Property of such Person to make any Special Order touching the same, and to direct that such Property as it may be expedient not to sell, or not to sell immediately, according to the Provisions of this Act, shall not be sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person, until the same can be properly sold, or until Payment of all such Creditors, according to the Provisions of this Act, shall have been made, and to make such Orders touching the Sale or Disposition of such Property as to the Court shall seem reasonable, considering the Rights of the Creditors of such Person to Payment of their Demands, and the future Benefit of such Person after Payment of his Debts, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to the Court shall seem just; and if it shall appear to the Court that the Debts of such Person can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same

Property may be mortgaged if more beneficial.

by Sale, it shall be lawful for the Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person, in such Manner as may be most consistent with the Interests of such Person in any Surplus of his or her Effects after Payment of such Debts.

Voluntary Preference fraudulent and void as against Assignees. 3 & 4 Vict. c. 107. s. 47.

CCLXII. If any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever to any Creditor or Creditors, or to any Person or Persons in trust for or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed and is hereby declared to be fraudulent and void as against the Official or other Assignee or Assignees of such Prisoner appointed under this Act: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void unless made within Three Months before the Commencement of such Imprisonment, or with the View or Intention by the Party so conveying, assigning, transferring, charging, delivering, or making over of petitioning the said Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit Actionem not to be acted upon against Goods of Insolvent after his Imprisonment. 3 & 4 Vict. c. 48.

CCLXIII. In all Cases where any Prisoner shall have filed a Petition of Insolvency under this Act, shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuation Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but that any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Of Estates Tail.

And with respect to Estates Tail and Base Fees, be it enacted as follows:

Clauses in 4 & 5 W. 4. c. 92. with respect to the Dis-

CCLXIV. Such of the Clauses of an Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled

position of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication.

"An Act for the Abolition of Fines and Recoveries, and for the "Substitution of more simple Modes of Assurance in Ireland," as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and apply to Proceedings in Bankruptcy under a Petition of Bankruptcy, and to Proceedings in Insolvency under a Petition of Insolvency, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

Of Copyholds.

And with respect to Copyholds, be it enacted as follows:

Court may make Sale of Copyhold Lands for the Benefit of Creditors. 6 & 7 W. 4. c. 14. s. 82. 12 & 13 Vict. c. 106. s. 209.

CCLXV. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors any Copyhold or Customaryhold Lands in England, Ireland, or elsewhere, or any Interest to which any Bankrupt or Insolvent is entitled therein, and thereby to entitle or authorize any Person on Behalf of the Court to surrender the same for the Purpose of any Purchaser being admitted thereto.

Vendees of Copyhold Lands shall compound with the Lord for their Fines. 6 & 7 W. 4. c. 14. s. 83. 12 & 13 Vict. c. 106. s. 210.

CCLXVI. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Of Arrangements under the Control of the Court.

And with respect to Arrangements between Debtors and their Creditors under the Superintendence and Control of the Court, be it enacted as follows:

Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection. 12 & 13 Vict. c. 107. ss. 90–107. 12 & 13 Vict. c. 106. ss. 211–223.

CCLXVII. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of the Court, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order; and

Of Arrangements under the Control of the Court.

and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court: Every such Petition shall be in the Form contained in the Schedule (U.) to this Act annexed, and be filed in the Office of the Court, and there shall be filed therewith an Affidavit in the Form contained in Schedule (N.) to this Act annexed.

Petition to be supported by Affidavit.

CCLXVIII. Forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time and Place as it may name, and shall at the same Time appoint an Official Assignee to act in the Matter of such Petition, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner or any Part thereof shall be possessed and received by such Official Assignee, or be taken possession of by the Messenger of the Court, and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignee into the Bank of Ireland to the Credit of such Official Assignee, to be subject to the like Rule and Regulation for the keeping the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such

Court to appoint private Sitting and Official Assignee, &c.

Of Arrangements under the Control of the Court.

Petitioner, and to adjourn such private Sitting, or any subsequent private Sitting, from Time to Time as it shall think fit; and Notice of such private Sitting shall be given in Writing to every Creditor not less than *Fourteen* Days before the same is held, such Notice to be sent by Post addressed to every Creditor at his last known Place of Business or Residence.

Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with a Copy.

CCLXIX. Such Petitioning Trader shall, *Ten* Days before the Date appointed for the private Sitting of the Court, file in the Office of the Court, and in such Form as may by any Rule or Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignee with a Copy of such Account.

At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation be appointed.

CCLXX. At the private Sitting of the Court appointed in manner herein-before mentioned, or at any Adjournment thereof, the Creditors shall prove their Debts, such Proofs to be in all respects as Proofs in Bankruptcy; and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof *Three Fifths* in Number and Value of the Creditors who have proved Debts to the Amount of *Ten Pounds* shall assent to the Proposal of such Petitioner or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal; and such Second Sitting shall be held not earlier than *Fourteen* Days from the First Sitting, and Notice thereof in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Sitting *Seven* clear Days at least before the Day appointed for such Second Sitting: Provided always, that the Conrt, if it shall think fit, may make Order in any special Case that Service of such Notice at the last known Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of

CCLXXI. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts; and if *Three Fifths* in Number and Value of those who have proved Debts to the Amount of *Ten Pounds* shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and

and the Creditors shall sign the same; and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings of the Court; and the Court, if it shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case: Provided, however, that no such Protection shall be valid in favour of any such Petitioner who shall be proved to have been about to abscond beyond the Jurisdiction of the Court, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Account filed by such Petitioner, nor against any Creditor whose Debt has been contracted by such Petitioner by any manner of Fraud or Breach of Trust.

10*l.* and upwards agree to accept, Resolution to be binding on all, and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCLXXII. Any Person duly authorized by Letter of Attorney from any Creditor who has proved a Debt to the Amount of *Ten Pounds* and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Persons authorized by Letter of Attorney may vote.

CCLXXIII. From and after the Date of the Approval and Confirmation of such Resolution or Agreement, all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignee (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution), as fully as if such Official Assignee were an Assignee under any Bankruptcy, and every such Official Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation, or Removal of any such Official Assignee, the Court shall have Power to appoint another; and if the Estate and Effects shall have vested in such Official Assignee, the same shall vest in the new Official Assignee so appointed, in the same Manner as in Bankruptcy.

Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.

Official Assignee to file Account every Six Months.

CCLXXIV. The Official Assignee shall, once at least in every *Six* Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to his Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c. a special Sitting may be held.

CCLXXV. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held; and the Resolution of the Majority in Number and Value of the Creditors at such Sitting who have proved Debts to the Amount of *Ten* Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting the Resolution thereof shall not be valid, unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCLXXVI. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under the Hand and Seal of the Commissioner, in the Form contained in the Schedule (V.) to this Act annexed, setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy, except only that any Debt which shall have been contracted wholly or in part by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition of Bankruptcy, shall not be barred by such Certificate.

CCLXXVII. The

Of Arrangements under the Control of the Court.

CCLXXVII. The Court, on being satisfied that the Official Assignee has fully performed his Trust, shall give to him a Certificate thereof in the Form contained in Schedule (W.) to this Act annexed, and such Certificate shall be a full Release and Acquittance to such Official Assignee, both in Law and Equity, for all Matters done by him as such Official Assignee.

Court, on being satisfied that Official Assignee has fully performed his Trust, to give him a Certificate thereof.

CCLXXVIII. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition shall be dismissed; and if at the First private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to, or if at any Time after the filing of any Petition for Protection it shall be shown to the Satisfaction of the Court by any Creditor that the Debts of such Petitioner or any Part thereof have been contracted by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Bankrupt Commission, or maliciously filing or prosecuting a Petition of Bankruptcy, or if it shall be shown that the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a bonâ fide Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or that he has postponed the Presentation of his Petition longer than was excusable, or if within *Three* Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effect otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or, if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

the Purpose of such Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

Composition after Bankruptcy.

Questions of Law raised by Consent. 15 & 16 Vict. c. 76. s. 46. 16 & 17 Vict. c. 113. s. 92. 3 & 4 Vict. c. 105. s. 50.

And for the Determination of Questions raised by Consent, be it enacted as follows:

CCLXXIX. In any Bankruptcy or Insolvency, the Parties concerned may, at any Stage of the Proceedings, by Consent, state any Question or Questions of Law in a Special Case for the Opinion of the Court.

CCLXXX. The Parties may, if they think fit, enter into an Agreement in Writing that an Appeal may or may not be brought upon the Judgment of the Court on such Special Case, and that upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions of Law raised by such Special Case a Sum of Money paid by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

Of Evidence.

Officer of Court to produce Proceedings, and give Copies thereof. 12 & 13 Vict. c. 106. s. 233. 6 & 7 W. 4. c. 14. s. 109–111. 12 & 13 Vict. c. 107. s. 84. 3 & 4 Vict. c. 107. s. 94.

And with respect to Evidence, be it enacted as follows:

CCLXXXI. The proper Officer of the Court shall, on the reasonable Request of any Bankrupt, Insolvent, or arranging Debtor, or of any Creditor of such Bankrupt or Insolvent having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Debtor, or Creditor, produce and show to such Bankrupt, Insolvent, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition, Adjudication, and Petition for Arrangement against or by such Bankrupt or Insolvent, and all Orders and Proceedings under any such Commission, Petition, or Adjudication; and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt, Insolvent, or Debtor, in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide, for any such Bankrupt, Insolvent, Debtor, Creditor, or Attorney requiring the same, any

Office

Of Evidence.

Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, and shall be entitled to receive, for providing and providing and attesting such Copy, Twopence for every Sheet therein, the said Sheets to contain Seventy-two Words and no more.

If Bankrupt do not dispute the Commission, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt. 12 & 13 Vict. c. 107. s. 26. 17 & 18 Vict. c. 119. s. 24.

CCLXXXII. If the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within *Two* Months after the Advertisement of the Bankruptcy in the "Dublin Gazette," or (if he were in any other Part of Europe at the Date of the Adjudication) within *Three* Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within *Twelve* Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to dispute or annul the Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the "Gazette" containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication, and that such Petition was filed on the Day on which the same is stated in the "Gazette" to bear Date.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed. 6 & 7 W. 4. c. 14. s. 104. 12 & 13 Vict. c. 106. s. 234.

CCLXXXIII. In any Action at the Suit of or against the Assignees in Bankruptcy, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occased by such Notice; and such Costs shall, if such Assignees or other Person shall obtain a Verdict, be added to the Costs, and if the other Party shall obtain a Verdict, shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignees or other Person.

The same in Suits in Equity. 6 & 7 W. 4. c. 14. s. 105.

CCLXXXIV. In all Suits in Equity, whether at the Suit of or against the Assignees in Bankruptcy, no Proof shall be required at the

Of Evidence.

12 & 13 Vict. c. 106. s. 235.

the Hearing of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within *Ten* Days after the Commencement of the Suit give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.
6 & 7 W. 4. c. 14. s. 114.
12 & 13 Vict. c. 106. s. 236.
8 & 9 Vict. c. 113.
3 & 4 Vict. c. 107. ss. 16. 94.

CCLXXXV. Any Commission, Petition of Bankruptcy, Petition of Insolvency, Adjudication, Petition for Arrangement between a Debtor and his Creditors, Assignment, Appointment of Assignees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy or Insolvency, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof; and no such Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Commissions of Bankrupt, Depositions, and other Proceedings under the same, which may have been entered of Record before the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the Irish Parliament, Eleventh and Twelfth George the Third, Chapter Eight, and the Act Sixth and Seventh William the Fourth, Chapter Fourteen, or his Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything hereinbefore contained notwithstanding.

11 & 12 G. 3. c. 8. [I.]
6 & 7 W. 4. c. 14.

Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court.
12 & 13 Vict. c. 106. s. 237.

CCLXXXVI. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Judge or Registrar or Chief Clerk of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document, to be made or signed under the Provisions of this Act.

CCLXXXVII. A Copy

Of Evidence.

CCLXXXVII. A Copy of a Declaration of Insolvency under this Act, purporting to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration having been filed.

Evidence of Declaration of Insolvency. 12 & 13 Vict. c. 106. s. 238.

CCLXXXVIII. A Copy of any Petition filed in the Court for Relief of Insolvent Debtors in England or Scotland, or in any Court for Relief of Insolvent Debtors at Calcutta, Madras, or Bombay, or at the Settlement of Prince of Wales' Island, Singapore, and Malacca, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Copy of Petition, &c. under Insolvent Debtors Act in England or Scotland, or in India, &c., to be admitted as Evidence. 12 & 13 Vict. c. 106. s. 239.

CCLXXXIX. A Copy of the "Dublin Gazette," and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement; and all Proceedings or Notices required by this Act to be inserted in the "Dublin Gazette" shall be marked with the Seal of the Court, and certified by One of the Registrars of the Court.

Advertisements when Evidence. 12 & 13 Vict. c. 106. s. 240.

CCXC. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

On Death of Witness, Office Deposition or Copy thereof to be Evidence. 6 & 7 W. 4. c. 14. s. 113. 12 & 13 Vict. c. 106. s. 242.

CCXCI. All Affidavits to be made or used in Matters of Bankruptcy or Insolvency, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Judge or Registrar thereof, or before a Master Ordinary or extraordinary of the High Court of Chancery in Ireland, or before the Examiner of any such Master in Ordinary, or before the Clerk of Affidavits of the High Court of Chancery in Ireland, or, in England or Scotland, either before any Commissioner or other Person appointed by the Court of Chancery in Ireland for taking Affidavits, or having Authority to take

Before whom Affidavits are to be sworn. 12 & 13 Vict. c. 107. s. 69. 12 & 13 Vict. c. 106. s. 243.

Evidence.

Affidavits for said Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a British Minister, Consul, or Vice-Consul; and every such Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison. 12 & 13 Vict. c. 106. s. 244.

CCXCII. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in Ireland, England, or Scotland, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within *Twelve* Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

Evidence may be taken viva voce or upon Affidavit. 6 & 7 W. 4. c. 14. s. 155. 12 & 13 Vict. c. 106. s. 245.

CCXCIII. The Lord Chancellor or the Court of Bankruptcy may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit.

Of Solicitors.

With respect to Solicitors, be it enacted:

Every Solicitor of the High Court of Chancery, duly admitted as a Solicitor in the Court of Bankruptcy and Insolvency, may practise in the Court. 6 & 7 W. 4. c. 14. s. 16. 12 & 13 Vict. c. 106. s. 247.

CCXCIV. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in Dublin may appear, act in, and plead any Proceedings in the Court of Bankruptcy and Insolvency, without being required to employ Counsel; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

Of Costs.

And with respect to Costs, be it enacted as follows:

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy, under 3 & 4 Vict. c. 105., to be applicable to this Act.

CCXCV. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, and intituled "An Act for abolishing Arrest on Mesne "Process in Civil Actions, except in certain Cases, for extending the "Remedies of Creditors against the Property of Debtors, and for the "further Amendment of the Law and the better Advancement of "Justice in Ireland," so far as the same relate to Orders of the Lord Chancellor, or of the Court of Commissioners of Bankruptcy, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor, and the Master of the Rolls, and the Court of Commissioners of Bankruptcy, in Matters of Bankruptcy, shall

shall extend to and be applicable to Orders of the Lord Chancellor, and of the Judges of the Court of Bankruptcy and Insolvency, in Matters of Bankruptcy or Insolvency under this Act.

Of Costs.

Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at Dublin.
12 & 13 Vict. c. 107. s. 80.
12 & 13 Vict. c. 106. s. 249.

CCXCVI. The Court may in all Matters before it award such Costs as to such Court shall seem fit and just, and may order that a Sum certain shall be paid as the full Amount of the Costs, without Taxation; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at Dublin may be recovered, and the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Court for Costs.

Witnesses, and Persons known or suspected to have Bankrupt's or Insolvent's Property, &c., entitled to Costs of Attendance, &c.
6 & 7 W. 4. c. 14. ss. 48–69.
12 & 13 Vict. c. 106. s. 250.

CCXCVII. Every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of any Bankrupt or Insolvent in his Possession, or supposed to be indebted to the Bankrupt or Insolvent, shall have such Costs and Charges as the Court in its Discretion shall think fit: Every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him, in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

Of Offences against the Law of Bankruptcy, &c.

And with respect to Offences against the Law relating to Bankruptcy and Insolvency and other Matters in this Act, be it enacted as follows:

Bankrupt or Insolvent, not delivering up Books, &c., or removing, concealing, or embezzling Estate.
6 & 7 W. 4. c. 14. s. 130.
12 & 13 Vict. c. 107. s. 44.
12 & 13 Vict. c. 106. s. 251.

CCXCVIII. If any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before *Three* of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally, or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the "Dublin Gazette" of the issuing of the Commission or filing of the Petition of Bankruptcy against him, as the Case may be, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, or if any Bankrupt or Insolvent shall not submit to be examined before such Court from Time to Time, or if any such Bankrupt or Insolvent upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, (and all Books,

Of Offences against the Law of Bankruptcy, &c.

Papers, and Writings relating thereunto, except such Part as shall have been really and bonâ fide before sold or disposed of in the way of his Trade, or laid out in the ordinary Expense of his Family,) or if any such Bankrupt or Insolvent upon such Examination shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, Wife, and Children,) or if any such Bankrupt or Insolvent shall remove, conceal, or embezzle any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, every such Bankrupt and Insolvent shall be deemed guilty of a Misdemeanor, and be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Two* Years.

In certain Cases, Discharge of Insolvent to be at any Period not later than Two Years from the Time of filing the Petition; and Bankrupt may be committed for Two Years. 3 & 4 Vict. c. 107. s. 68.

CCXCIX. In case it shall appear to the Court that any Insolvent has fraudulently, with Intent to conceal the State of his Affairs or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that any Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from any such Insolvent, or made away with, charged, mortgaged, or concealed any Part of his Property, of what kind soever, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged and entitled to the Benefit of this Act as soon as he shall have been in Custody at the Suit of some One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Two Years from the Time of filing the Petition as the Court shall direct.

In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years from the Time of filing his Petition; and Bankrupt may be committed for Two Years. 3 & 4 Vict. c. 107. s. 68.

CCC. In case it shall appear to the Court that any Insolvent shall have contracted any of his Debts fraudulently, or by means of a Breach of Trust, or by means of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expense by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from

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from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, where it shall appear to the Satisfaction of the Court that the Injury complained of was malicious, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged and so entitled as aforesaid forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that the Insolvent shall be so discharged and so entitled as aforesaid so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding Two Years from the Time of filing the Petition, as the Court shall direct.

Bankrupt or Insolvent destroying or falsifying Books, &c.
12 & 13 Vict. c. 107. s. 46.
12 & 13 Vict. c. 106. s. 252.

CCCI. If any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, or if any Insolvent shall, in contemplation of Insolvency, or with Intent to defeat the Object of the Law relating to Insolvents, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade.
12 & 13 Vict. c. 107. s. 47.
12 & 13 Vict. c. 106. s. 253.

CCCII. If any Bankrupt or Insolvent shall, within *Three* Months next preceding the filing of the Petition of Bankruptcy or Insolvency, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels, with Intent to defraud the Owner thereof, or if any such Bankrupt or Insolvent shall, within such Time and with such Intent, remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

False Evidence.
6 & 7 W. 4. c. 14. s. 117.
12 & 13 Vict. c. 107. s. 73.

CCCIII. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or solemn Affirmation,

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ation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

12 & 13 Vict. c. 106. s. 254.
3 & 4 Vict. c. 107. s. 89.

Court may direct Prosecution.
12 & 13 Vict. c. 107. s. 53.
12 & 13 Vict. c. 106. s. 255.

CCCIV. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt or Insolvent for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of the Estate and Effects of such Bankrupt or Insolvent, and such Assignees shall thereupon institute and carry on such Prosecution accordingly; and in case the said Assignees shall refuse or neglect to institute and carry on such Prosecution, no reasonable Impediment being made known to and allowed by the Court, the Court may order the same to be instituted and carried on by the Official Assignee alone.

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.
6 & 7 W. 4. c. 14. ss. 47. 49, 50.
12 & 13 Vict. c. 106. s. 260.

CCCV. If any Bankrupt or Insolvent, or the Wife of any Bankrupt or Insolvent, or other Person, shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings or other Documents in his Custody or Power relating to any of the Matters under Inquiry which such Bankrupt or Insolvent, Wife of the Bankrupt or Insolvent, or Person, is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Bankrupt or Insolvent, Wife of such Bankrupt or Insolvent, or other Person, to such Prison as such Court shall think fit, there to remain without Bail until he or she shall submit himself or herself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Warrant of Committal for unsatisfactory answering, or refusing to answer, need not specify Questions.
12 & 13 Vict. c. 107. s. 49.

CCCVI. In any Warrant of Committal of any Person by the Court for refusing to answer any Question, or for not fully answering to the Satisfaction of the Court, or for refusing to sign and subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination

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Examination or Deposition of the Person committed as remaining on the File of Proceedings, and to specify in said Warrant the precise Date of the Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Sixteen Hours next after his actual Committal to Prison; and in default of said Copy being delivered the Person committed shall be discharged from Custody, either by the Court, or by the Judge before whom such Person may be brought by Habeas Corpus, with such Costs, if any, as said Court or Judge may deem just; and, save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only; and any Warrant for unsatisfactory answering shall be in the Form or to the Effect in Schedule (Z.) to this Act annexed; and any Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in the Court, or for interrupting the Court in the Exercise of its Duty, shall be respectively in the Forms or to the Effect in Schedules (Aa.) and (Ab.) respectively; and every Messenger or other Person against whom any Action shall be brought for anything done in executing any Warrant of the said Court may plead the General Issue, and give the said Warrant and the Special Matter in Evidence; provided also, that if any Person so committed shall sue forth any Writ of Habeas Corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought (if thereto required by the Person committed, or by the Assignee of the Bankrupt's or Insolvent's Estate,) to inspect and consider the whole of the Examination of such Person so referred to as aforesaid; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Copy of the Examination to be furnished to the Person committed.

CCCVII. If any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the Court in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to such pecuniary Fine and Imprisonment, with or without Hard Labour, as the Court before which such Conviction shall be had may judge fit.

Obstructing the Messenger, &c. a Misdemeanor. 12 & 13 Vict. c. 107. s. 50.

CCCVIII. If any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain

Assignee disobeying Direction to pay or invest

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Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent. 6 & 7 W. 4. c. 14. s. 122. 12 & 13 Vict. c. 106. s. 265.

or employ any Sum to the Amount of more than *One hundred Pounds*, Part of the Estate of any Bankrupt or Insolvent, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of *Twenty* per Centum per Annum on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same, and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order. 12 & 13 Vict. c. 106. s. 266. 6 W. 4. c. 14. s. 158.

CCCIX. If any Person shall disobey any Rule or Order of the Court, duly made by such Court, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, the Court may, by Warrant in the Form contained in Schedule (Y.) to this Act annexed, commit the Person so offending to Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprise until such Court or the Lord Chancellor shall make Order to the contrary.

If Debt sworn to by Petitioning Creditor be not due, or if Act of Bankruptcy be not proved, and it appear that the Commission or Petition was issued or filed fraudulently or maliciously, Court may order Satisfaction. 12 & 13 Vict. c. 106. s. 267.

CCCX. If the Debt stated by the Petitioning Creditor in his Affidavit, or in his Petition for Adjudication, and verified by Affidavit, to be due to him from any Trader, shall not be really due, or if, after a Petition of Bankruptcy filed, it shall not have been proved that the Person against whom such Commission has been issued or Petition filed had committed an Act of Bankruptcy, and was a Trader, and it shall also appear that such Petition was filed fraudulently or maliciously, the Court shall and may, upon Petition of the Person against whom any such Petition was so filed, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

Petitioning Creditor compounding with Trader after Bankruptcy. 6 & 7 W. 4. c. 14. s. 224. 12 & 13 Vict. c. 106. s. 268.

CCCXI. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

CCCXII. If

Of Offences against the Law of Bankruptcy, &c.

CCCXII. Any Person who shall wilfully conceal any Real or Personal Estate of any Bankrupt or Insolvent, and who shall not within *Forty-two* Days after the filing of the Petition of Bankruptcy or Insolvency discover such Estate to the Court or to the Assignees, shall forfeit the Sum of *One hundred Pounds* and *double* the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Assignees any Part of such Bankrupt's or Insolvent's Estate not before come to the Knowof the Assignees shall be allowed *Five* per Centum thereupon, and such further Reward as the Assignees, with the Consent of the Court, shall think fit, to be paid out of the Estate recovered on such Discovery.

Concealing Bankrupt's or Insolvent's Effects. 6 & 7 W. 4. c. 14. s. 139. 12 & 13 Vict. c. 106. s. 269.

Allowance to Persons making Discovery.

CCCXIII. If any Creditor of a Bankrupt or Insolvent shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt or final Discharge of such Insolvent, every such Creditor so offending shall forfeit and lose for every such Offence the *Treble* Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be).

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition or to consent to Allowance of Certificate or final Discharge of such Insolvent. 6 & 7 W. 4. c. 14. s. 143. 12 & 13 Vict. c. 107. s. 58. 12 & 13 Vict. c. 106. s. 270.

CCCXIV. If any Commissioner, Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act or any other Act relating to Bankrupts or Insolvents, or under colour of doing anything under this Act or any such other Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in trust for him, or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money or any Thing of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of *Five hundred Pounds*, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Officers, &c. taking Fees improperly. 6 & 7 W. 4. c. 14. s. 157. 12 & 13 Vict. c. 106. s. 271.

CCCXV. Any Person who shall insert or cause to be inserted in the Dublin Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Inserting Advertisements without Authority. 12 & 13 Vict. c. 106. s. 272.

CCCXVI. If any Person shall forge the Signature of any Judge or Registrar, or of the Accountant General in Chancery, or of any other

Forging Signature of Judge or Officer, or the Seal of Court. 12 & 13 Vict. c. 106. s. 273.

Of Offences against the Law of Bankruptcy, &c.

other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any such Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Judge, Registrar, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the "Admission in Evidence of certain official and other Documents."

Gaoler suffering Persons committed to escape.
12 & 13 Vict. c. 100. s. 274.
c. 107. s. 5.

CCCXVII. If any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt, Insolvent, or other Person shall be duly committed, shall refuse to receive such Bankrupt or Insolvent or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit *Five hundred Pounds*.

Application of Forfeitures.
6 & 7 W. 4. c. 14. s. 118.
12 & 13 Vict. c. 106. s. 275.

CCCXVIII. All Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt or Insolvent connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record.

Of Fees.

And with respect to Stamp Duties be it enacted as follows:—

Certain Documents to be written on stamped Vellum, &c. in lieu of Fees.
6 & 7 W. 4. c. 14. ss. 5. 8. 11.
12 & 13 Vict. c. 107. s. 116.
12 & 13 Vict. c. 106. s. 48.

CCCXIX. Every Document enumerated in the Schedule (A c.) to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper, bearing the Stamp Duty set opposite to such Document in such Schedule: Where any such Document shall consist of more than One Sheet, only the First Sheet shall be impressed with the Stamp: No Fees, other than those authorized by the Act, shall be payable in respect of any Proceedings in Bankruptcy or Insolvency taken after the Commencement of this Act.

No Fees to be payable in Bankruptcy or Insolvency other than as directed by this Act.

Commissioners of Inland Revenue to give the necessary Directions to keep separate Accounts.
12 & 13 Vict. c. 106. s. 49.

CCCXX. The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the

the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect. *Of Fees.*

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps. 12 & 13 Vict. c. 106. s. 50.

CCCXXI. The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such Discount or Poundage as may by any General Rule or Order, to be made in pursuance of this Act, be directed; and the Court may by any such General Rule or Order make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like kind.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act. 12 & 13 Vict. c. 106. s. 51.

CCCXXII. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act,) in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Documents not to be received unless a Stamp be impressed. 12 & 13 Vict. c. 106. s. 52.

CCCXXIII. No Document which by this Act is required to have a Stamp impressed thereon shall be received, filed, or used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon; but where any such Document has through Mistake or Inadvertence been received, filed, or used without such Stamp, the Court may, if it think fit, order such Stamp to be impressed thereon, and thereupon such Document, when so stamped, and every Proceeding in reference thereto, shall be as effectual as if the Stamp had been impressed thereon in the first instance.

Aliens and Denizens.
12 & 13 Vict. c. 107. s. 117.

CCCXXIV. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

CCCXXV. This Act shall not extend to either England or Scotland, except where the same are expressly mentioned.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
6 & 7 W. 4. c. 14. -	An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
6 & 7 W. 4. c. 74. -	- - - - -	Clause XXXIV. in the Copy printed by Her Majesty's Printers.
1 Vict. c. 48. - -	An Act to appoint a second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86. -	An Act to amend an Act passed in the Sessions holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.
3 & 4 Vict. c. 105. -	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.
3 & 4 Vict. c. 107. -	An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	The whole.
7 & 8 Vict. c. 90. -	An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland; and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI., XXXVII., and XXXVIII. in the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
10 & 11 Vict. c. 85.	- - - - -	Clause XI. in the Copy printed by Her Majesty's Printers.
12 & 13 Vict. c. 107.	An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole.
14 & 15 Vict. c. 57.	- - - - -	S. 119.

SCHEDULE (B.)

The Irish Bankrupt and Insolvent Act, 1855.

RETURN by , One of the Official Assignees of the Court of Bankruptcy and Insolvency in Ireland, showing the State of every Bankruptcy under his Charge, and not finally wound up, on the 31st Day of December 18 .

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.
Name of Bankrupt.	Gross Amount of Debts and Liabilities stated in the Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignees for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignees.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Books and Accounts.	Bankruptcies and Insolvencies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 , inclusive.	Certificates allowed.	Insolvents discharged.

SCHEDULE (C.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Declaration of Insolvency by Trader.

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be*], this Day of in the Year of our Lord

Witness, (Signed) *E.F.*

G.H., Attorney of the Court.

SCHEDULE (D.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1855."

VICTORIA, &c.

To *C.D.* of, *&c. &c.* Esquire, having Privilege of Parliament, greeting:

and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt and Insolvent Act, 1855," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance and Defence to be filed for you within One Calendar Month next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Dublin, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or

This Writ was issued in Person by the Plaintiff within named who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be.*]

SCHEDULE (E.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, &c. [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt and Insolvent Act, 1855," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or last*] personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

SCHEDULE (F.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* o against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord

SCHEDULE (G.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Summons of Trader Debtor.

These are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy and Insolvency in the City of Dublin on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Irish Bankrupt and Insolvent Act, 1855," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof; or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.* Judge.

SCHEDULE (H.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Admission of Debt by Trader Debtor.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

Whereas I, the under-signed *E.F.* of am summoned to appear before this Court for the Purpose of stating, in manner prescribed by "The Irish Bankruptcy Act, 1855," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, that I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of that is to say, in the Sum of].

(Signed) *E.F.*

SCHEDULE (I.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, that he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,
J.K. Judge.

SCHEDULE (J.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, that we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy and Insolvency, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.*, amounting to the Sum of or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]: * And whereas an Action, wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*name the Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue [*or, if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now therefore the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or* last-mentioned Sum, *as the Case may require*,] this Obligation shall be void and of no effect, but otherwise shall be and remain in full force and virtue.]

SCHEDULE (K.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Admission of Debt by Trader Debtor signed out of Court.

I, the under-signed *E.F.*, of do hereby confess that I am indebted to *A.B.* of in the Sum of

(Signed) *E.F.*

Dated this Day of A.D.

Witness,

G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (L.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Petition of Bankruptcy by a Creditor.

To the Court of Bankruptcy and Insolvency.

The Petition of

Showeth,

That being a Trader, is indebted unto your Petitioner in the Sum of 50*l.* [if Two Petitioners 70*l.*, and if Three or more 100*l.*, *as the Case may be*], and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said . And your Petitioner shall ever pray, &c.

Signed by the Petitioner, on the Day of 18 , in the Presence of Solicitor in this Matter of the Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners. If the Petition be by several not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petition be against Partners alter the Form accordingly.

SCHEDULE (M.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Affidavit of Truth of Allegations in Petition.

Day of A.D.

of in the of the

Petitioner named in the Petition hereunto annexed, maketh Oath and saith that the several Allegations in the said Petition are true.

Sworn at this Day of 18 ,

before me

If the Petitioner affirm alter the Form accordingly.

SCHEDULE (N.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy and Insolvency.

The Petition of

Showeth,

That your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of Fifty Pounds at the least.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18 ,

in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (O.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy *or* in Insolvency.]

Search Warrant.

Day of A.D.

Whereas, by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me, the under-signed Judge of the Court of Bankruptcy and Insolvency in Ireland, [acting in the prosecution of a Petition of Bankruptcy filed and now in prosecution against *A.B.* of in the County of bearing Date the Day of and under which the said *A.B.* has been adjudged Bankrupt,] *or in Cases of Insolvency say,* [acting in the Prosecution of a Petition of Insolvency in the Matter of , an Insolvent,] that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be*] of one *C.D.* of in the County of such House not belonging to the said Bankrupt [*or* Insolvent]; these are therefore, by virtue of the Irish Bankrupt and Insolvent Act, 1855, to authorize and require you, with necessary and proper Assistance, to enter, in the Day Time, in the House [*or other Place, describing it, as the Case may be*] of the said *C.D.*, situate at aforesaid, and there diligently to search for the said Property; and if any Property of the said Bankrupt [*or* Insolvent] shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court, this Day of in the Year of our Lord One thousand eight hundred and .

A B. (L.S.)

To my Judge.

Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt [*or Insolvent*] *and his Property are concealed, alter the Warrant accordingly.*

SCHEDULE (P.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy *or* in Insolvency.]

Admission of Debt by Creditor of Bankrupt [*or Insolvent*].

I, the under-signed *I.K.* of do hereby in open Court confess that I am indebted to *E.F.* of a Bankrupt [*or* an Insolvent], in the Sum of upon the Balance of Accounts between myself and the said *E.F.*

(Signed) *I K*

Witness, *G.H.*, Attorney of one of the Superior Courts, and named by the said *I.K.* [*or named by the Court*], according to the Irish Bankrupt and Insolvent Act, 1855.

SCHEDULE (Q.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy *or* in Insolvency.]

Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt [or Insolvent].

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

In the Matter of a Bankrupt [*or* Insolvent]:

Whereas of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt [*or* Insolvent] in the Sum of upon the Balance of Accounts between the said and the said Bankrupt.

It is hereby ordered, that the said do pay to the Official Assignee of the Estate and Effects of the said Bankrupt [*or* Insolvent], in full Discharge of the Sum so admitted, the Sum of forthwith, [*or if otherwise, state the Time and Manner of Payment,*] and that the said do also pay to the said Official Assignee the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar. *A.B.*, Judge.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt [or Insolvent], alter the Form accordingly.

SCHEDULE (R.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Insolvency.]

To the Court of Bankruptcy and Insolvency.

Petition of Insolvency.

State the recent Residences, Trades, &c. very accurately; but it need not always be so for the Schedule.

The Petition of late of in the C of previous of formerly of

Showeth,

That your Petitioner is now a Prisoner for Debt in the

If the Prisoner was bailed or first committed to another Prison and removed by Habeas corpus or otherwise the Fact must be here stated.

in the of and is there detained at the Suit of for the Sum of and that your Petitioner was first arrested in the said Suit at in the of on the Day of One thousand eight hundred and fifty and was committed to the said on the Day of One thousand eight hundred and fifty

and that your Petitioner is willing that all h Real and Personal Estate and Effects shall be vested in the Official Assignee for the Time being of the Court, according to the Provisions of the Irish Bankrupt and Insolvent Act, 1855, in that Behalf; your Petitioner therefore humbly prays your Honourable Court, that he may be discharged from Custody and have future Liberty of h Person against the Demands for which he is now in Custody, and against the Demands of all other Persons who are or claim to be Creditors of your Petitioners, according to the Provisions of the Statute in that Behalf.

If more Detainers make fresh Statement as to each according to Facts.

And your Petitioner will ever pray, &c.

Subscribed by the said Prisoner on the Day of 185
in the Presence of

Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.

Court of Bankruptcy and Insolvency.

I of do hereby retain Mr. of to act for me as my Attorney in the said Court, and I hereby declare that he is so employed by me at my Request.

Signed by me at on this Day of 185 .

Witness,

I of an Attorney duly admitted to practise on behalf of Prisoners in actual Custody, do hereby accept the above Retainer.

Signed by me, this Day of 185 .

Form of Prison Certificate.

Certificate of Governor of Gaol.

Plaintiff. } Committed to the Custody of the Governor of
Defendant. } Gaol, by the High Sheriff of the C under and by virtue of a on the Day of 185 .

Debt and Costs £

Attorney for the Plaintiff.

_____ } Detainers.

I hereby certify, that the Defendant still remains in Custody at this Date, under and by virtue of the above
And I do hereby further certify, that there is no other Detainer against the said Defendant.

Signed by me this Day of 185 .

Governor.

The Irish Bankrupt and Insolvent Act, 1855.

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of committed to the Gaol
of in the C of on
the Day of 185 , at the Suit of
for the Sum of £

INSTRUCTIONS.—This Account is to begin at or before the Time when the earliest Debt in the Schedule was contracted by the Insolvent: if he has at any Time been bankrupt, or petitioned under an Insolvent Act, it must be stated whether any Debts due under such Bankruptcy or Insolvency are still unpaid. (See below.)

This my Account begins in or about* the Month of 18 , the earliest Debt in my Schedule (No.) was contracted by me in the Year 18 . [Fill up the Blanks.]

GENERAL BALANCE SHEET.

Dates.	*Dr.*	£	*s.*	*d.*	Dates.	*Cr.*	£.	*s.*	*d.*
	Capital at the Time aforesaid*, consisting of - -					Good Debts, as in Schedule -			
	Aggregate Amount of Debts, as in Schedule					Bad - -			
	Deduct 1, those for which I have received no Consideration - -					Doubtful - -			
	2, in respect of Debts more than once entered - -					Amount of Debts owing to me			
	Amount of Debts contracted since the Time aforesaid* for which I have received Consideration - - -					Rent for Years, at £ a Year - - -			
	Profits of Business in each Year, viz.: - -					Taxes for Years, at £ -			
						Servants' Wages for Years, at £ - - -			
						Other Household Expenses for Years, at £ - -			
						Special Expenses, Disbursements, and Losses, viz.:			
						Property mentioned in Schedule, pp. 6 and 7 -			
						Money in possession when I was taken into Custody.			
						Excepted Articles - -			
						Difference between Values and Cost Price - -			
						DEFICIENCY - -			
	VALUE to be accounted for £					£			

*Here enter all Monies received by Annuities, Dividends, or otherwise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.

The Cause of my present Insolvency is

If never Bankrupt [or Insolvent,] write "never." } I was Bankrupt and Debts still unpaid are about / I petitioned this Court and Debts still unpaid are about

Signed in the Presence of Dated this
Day of 185 .

The Irish Bankrupt and Insolvent Act, 1855.

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

I, the said do declare that this my Schedule doth contain a full and fair Description of me, as to my Name or Names, Trade or Trades, Profession or Professions, together with my last usual Place of Abode, and the Place or Places where I have resided during the Time when my Debts where contracted, and also a full and true Description of all Debts due or growing due from me at the Time of filing my Petition, and of all and every Person and Persons to whom I am indebted, or who to my Knowledge or Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy; and also of all Places of Benefit or Advantage held by me, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise, and also of all Pensions or Allowances which I have in possession or reversion, or which are held by any other Person or Persons, for me or on my Behalf, or of and from which I derive or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever, which I am, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage are, in any Manner whatsoever seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons, in trust for me or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of making the said vesting Order to me or to any Person or Persons in trust for me, or for my Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts are due or growing due, and of the Witnesses who can prove such Debts as far as I can set forth the same; and that this my Schedule doth also contain a Balance Sheet of so much of my Receipts and Expenditures, and of the Items composing the same, as is required by this Honourable Court in that Behalf; and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of myself and my Family, and my working Tools and Implements, which are excepted by me from the Operation of the Irish Bankrupt and Insolvent Act, 1855, together with the Value of such excepted Articles respectively.

Excepted Articles and the Values thereof.

	£	*s.*	*d.*
£			

Witness my Hand the Day of One thousand eight hundred

Signed in the Presence of

BALANCE SHEET OF RECEIPTS AND EXPENDITURES.

The Court requires

That this Account shall in no Case begin later than Four Calendar Months before the Prisoner's last Commitment to Custody.

That if he was before that Time arrested in any Suit which is still continued, it shall begin not later than the Time of such Arrest.

That if before those Periods, but since the Commencement of his Embarrassments, any Property has gone away from him by Sale, Assignment, Mortgage, Distress, Execution, or any Means other than the ordinary Course of Trade, the Account shall commence so as to include all such Transactions.

That the Blank in the Description of the Debtor's Side of the Account shall be filled with a Date early enough for Compliance with the above Directions.

That the specific Appropriation of each Sum received shall be separately shown, where the Case admits of it.

That the Date of each Item in the Account shall be given by stating the Day as well as the Year when the same can be ascertained.

That Money and other Property, which was in the Possession of the Prisoner or his Family or any other Person for his or their Benefit at the Time when he was last taken into Custody, shall in all Cases be made a specific Item or Items in the Account.

Dr.					*Cr.*				
Specification of all Property, Real and Personal, in which I have had an Interest at any Time since the Day of , 18 , to the Time of subscribing this my Schedule, showing when, how, to whom, and for what Consideration, any Portion of any such Property has been parted with.					Account of all such Property, showing what Part thereof is now available for the Benefit of my Creditors, and as to such Part as has been parted with, the particular Application of the Proceeds of the same.				
Date.		£	*s.*	*d.*	Date.		£	*s.*	*d.*

CREDITORS.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also if the Debt is disputed, the Reason thereof.
		£ s. d.			

DEBTORS.

No.	Names, Description, and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt; also Securities, if any, for the same.	Witnesses, with their Residences and other Evidence, by which the Debt may be proved.
		£ s. d.				

N.B.—Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "Set-off" must be written under the Amount.

PROPERTY IN POSSESSION.

Real and Personal Estates and Effects which were in my Possession, Enjoyment, or Control, or which were held by any other Person or Persons in trust for my Use, or to the Possession or Enjoyment of which I was entitled at the Time of subscribing my Petition, and which are not excepted from the Operation of the Act.

		Supposed Value.		
		£	s.	d.
Interest in Land.	Freehold and Leasehold Property with local Description, Names of Tenants, and annual Rent of the same, and Statement of Incumbrances (if any) thereupon, with the Dates thereof.			
Personal Property.	Household Goods and Furniture - - -			
	Wearing Apparel - - - -			
	Jewels, Trinkets, and Ornaments of the Person -			
	Plate, Linen, and China - - - -			
	Wines and other Liquors - - - -			
	Books, Prints, and Pictures - - -			
	Horses, Cows, and other Animals - - -			
	Carriages - - - - - -			
	Farming Stock and Implements of Husbandry -			
	Stock in Trade in my Business of			
	Machinery and Utensils in my Business of			
	Ships and Shares of Ships, viz. - - -			
	Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified - -			
Property in the Funds Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in the Canal and other Companies, showing in whose Names the same are standing; also when and by whom the last Dividend or other Payment was received in respect of the same - -			
Unpaid Legacies.	Legacies due, but unpaid; with all Particulars concerning the same - - - - -			
Books. Deeds. Papers.	The following is a true List of all Books, Papers, Deeds, and Writings relating to my Estate and Effects, or any Part thereof, which at the Time of my First Arrest above mentioned were, or any Time since have been in my Possession or under my Custody or Control, or in the Possession or Custody of any Person in trust for me, or for my Use, Benefit, or Advantage.			

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

	Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.	Supposed Value of my Interest if now to be sold. £	s.	d.
Interests in Land.	Freehold and Leasehold Property, with Names and Descriptions of Persons now enjoying the same, and the annual Value thereof; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - - -			
Personal Property.	Personal Property, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - -			
Places and Pensions in possession or reversion.	Places of Benefit or Advantage held by me, with the Salaries, Fees, and Emoluments thereof; also, all Pensions and Allowances in possession or reversion held by me or by any other Person or Persons for me or on my Behalf, or of and from which I derive or may derive any Benefit or Advantage.			
Rights and Powers.	Rights and Powers which I, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons in trust for me, or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage.			

N.B.—Contingent as well as vested Interests must be entered.

I, do hereby swear that the Contents of this my Schedule, and of all and every Part thereof respectively, are true. So help me God.

Sworn in Court, at in the this Day of

INDORSEMENT.

Arrested Day of 185
Committed Day of 185
Petition filed Day of 165
Schedule filed Day of 185
To be heard Day of 185
Debts, £
Credits, £
Books,
Papers,
Deeds,
&c.

SCHEDULE (S.)

The Irish Bankrupt and Insolvent Act, 1855

[In Insolvency.]

Creditor's Petition and Affidavit.

(1)

To the Court of Bankruptcy and Insolvency.

The Petition of

[*State the Trade or Profession of Petitioner; his present Residence (Street, Number, &c.)*]

Showeth,

That your Petitioner now at the Time of signing this Petition Creditor of

[*State more freely than in the Affidavit (so far as is known) the Debtor's last Places of Residence, and where he resided while the Debt was contracted; also his Trades or Professions.*]

now a Prisoner in And that the said Prisoner was committed to the said on the Day of 185 , as appears by the Gaoler's Copy of Causes hereunto annexed: And was

[*Charged in Execution or for Contempt, &c. &c., as the Case may be.*]

at the Suit of your Petitioner on the , for the Sum of

Your Petitioner therefore humbly prays for an Order of your Honourable Court vesting the Real and Personal Estate and Effects of the said Prisoner in the Official Assignee of the Estate and Effects of Insolvent Debtors in Ireland, according to the Provisions of the Irish Bankrupt and Insolvent Act, 1855.

And your Petitioner is desirous that the said Prisoner may be ordered to file a Schedule of his Property according to the Provisions of the said Act, and may thereupon be brought up to be dealt with according to the Provisions of the said Act.

And your Petitioner shall ever pray, &c.

Subscribed by the said Petitioner on the Day of 185 ,
in the Presence of of

[*Attorney's Address.*]

Attorney for the said Petitioner.

(2.)

In the Court of Bankruptcy and Insolvency.
In the Matter of

[*In this Place give safe Description as to Business and late Residence, for sake of Identity. The vesting Order will be made from the Description in this Place.*]

a Prisoner in

[*Petitioner's Name, &c. &c.*]

maketh Oath and saith, that the said hath been for Twenty-one Days last past in Custody

[*State whether in Execution or for contempt, &c.*]

at the Suit of this Deponent, and is justly and truly indebted to this Deponent in the Sum of , besides Costs: And this Deponent further states that there is Sum due from this Deponent to the said Prisioner, or fairly claimable by the said Prisoner, from this Deponent, by setting off which the said Sum for which the said Prisoner is so in Custody at the Suit of this Deponent would be reduced—viz.

And this Deponent further said that there is Charge, Lien, or Security held

[*Write "no," or state the Debt or Claim, as the Fact may be.*]

by this Deponent, or any Person on his Behalf, against the Real or Personal Estate or Effects of the said Prisoner, independent of the Judgment

[*If it is a Decree or Order so state.*]

on which the said Prisoner is now in Custody at the Suit of this Deponent, viz:—

And this Deponent further saith that he has availed himself of his Judgment against the said Prisoner, otherwise than by Arrest of his Person, as follows:

[*If any Property whatsoever has been seized in Execution, or an Order of a Judge has been obtained under the* 14*th and* 15*th Sections of the Act, the same must be distinctly stated, with Particulars of the Result: If no such Things have taken place, write* "not," *and erase the Words* "as follows."]

And this Deponent further saith that the said Prisoner hath not in any Manner whatsoever made Satisfaction to this Deponent for the said Sum for which he so stands committed, nor for any Part thereof, except

[*Either erase the Word* "except," *or add* "as aforesaid," *or other Matter, according to Fact.*]

And that the said Sum of is still justly and truly due to this Deponent, whereupon this Deponent has instructed , his Attorney, to proceed to this Court pursuant to the Statute in that Behalf.

The Irish Bankrupt and Insolvent Act, 1855.

[In Insolvency.]

Form of Vesting Order.

In the Court of Bankruptcy and Insolvency.

On the Day of in the Year of our Lord One thousand eight hundred and . In the Matter of formerly of, &c., &c., a Prisoner in the County Gaol of

It is ordered, that all the Real and Personal Estate and Effects of the said Prisoner, both within this Realm and abroad, except the Wearing Apparel, Bedding, and other such Necessaries of such Prisoner and his Family, and the working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Twenty Pounds, and all the future Estate, Right, Title, Interest, and Trust of such Prisoner, in or to any Real and Personal Estates and Effects within this Realm or abroad which such Prisoner may purchase, or which may revert, descend, be devised, or bequeathed, or come to him before he shall become entitled to his final Discharge in pursuance of the said Act, according to the Adjudication made in that Behalf; or, in case such Prisoner shall obtain his full Discharge without any such Adjudication, then before such Prisoner shall be so fully discharged from Custody, and all Debts due or growing due to such Prisoner, or to be due to him before such Discharge as aforesaid, shall be and the same are hereby vested in Gentleman, Official Assignee of the Estates and Effects of Insolvent Debtors in Ireland, his Successors and Assigns: To have and to hold, receive and take, all and every the said Estate and Effects of the said Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, of every Nature and Kind whatsoever (except as aforesaid), and all and every the said Estate and Effects which shall be so purchased by the said Prisoner, or which shall so revert, descend, be devised, bequeathed, or come to him as aforesaid, in possession, reversion, remainder, or expectancy, of every Nature and Kind whatsoever, with their and every of their Rights, Members, and Appurtenances, unto the said his Successors and Assigns, according to the respective Natures, Properties, and Tenures thereof; in trust nevertheless to and for the Use, Benefit, and Advantage of the Creditors of the said who shall be entitled to share in a Dividend of the said Estates and Effects under the Provisions of the said Act, and to and for such other Uses, Intents, and Purposes, and in such Manner and Form as are in and by the said Act expressed of and concerning the same.

By the Court.

SCHEDULE (T.)

The Irish Bankrupt and Insolvent Act, 1855.

Certificate of Conformity.

I . One of the Judges of Her Majesty's Court of Bankruptcy and Insolvency in Ireland, acting in the Prosecution of a Commission of Bankrupt issued the Day of [*or* a Petition of Bankruptcy filed against and bearing Date the Day of One thousand eight hundred and , do certify, That the said became bankrupt before the issuing of the said Commission [*or* Date and filing of the said Petition], within the true Intent and Meaning of the Law of Bnkruptcy, and was thereupon adjudged bankrupt accordingly: And I further certify, that due Notice was given in the "Dublin Gazette" of such Commission having been issued [*or* Petition having been filed], and of the Adjudication thereon, and that Two public Sittings for the said Bankrupt to surrender and conform were duly appointed, the last of which said Sittings was appointed to be on the Day of last: And I further certify, that such Two several Sittings were had pursuant to such Notice, and that before *Three* of the Clock upon the said Day of the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time: And I further certify, that the said Bankrupt did, on the Day of last, finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery: And I further certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy and Insolvency in Dublin, I held a public Sitting for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given); and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, this Day of in the Year of our Lord One thousand eight hundred and

Signed and sealed in the Presence of

A.B. (L.S.)
Judge.

SCHEDULE (U.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Petition for Arrangements.

To the Court of Bankruptcy and Insolvency in Ireland.

The Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt and Insolvent Act, 1855."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors may be determined) may be carried into effect, under the Superintendence and Control of this Honourable Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (V.)

The Irish Bankrupt and Insolvent Act, 1855.

Certificate to Petitioning Trader.

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to this Honourable Court, under the Provisions of "The Irish Bankrupt and Insolvent Act, 1855," praying that a certain Proposal, or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas One of the Judges of the said Court acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Judge thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, I hereby certify the several Matters aforesaid under my Hand and Seal of the Court, this Day of 18 .

A.B. (L.S.)

Judge.

SCHEDULE (W.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy.]

Certificate to Official Asignee.

Court of Bankruptcy and Insolvency, Dublin. Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to this Court, under the Provisions of "The Irish Bankrupt and Insolvent Act, 1855," praying that a certain Proposal should be carried into effect, under the Superintendence and Control of the said Court: And whereas One of the Commissioners of the said Court acting in the Matter of the said Petition, caused certain Sittings of the Court to be held, pursuant to the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking the same to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Official Assignee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust, I hereby certify the same under my Hand and Seal of the Court, this Day of 18 .

A.B. (L.S.)
Judge.

SCHEDULE (X.)

The Irish Bankrupt and Insolvent Act, 1855.

Certificate to Assignees or to a Creditor, to entitle them to issue a Writ of Execution.

Court of Bankruptcy and Insolvency, Dublin. Day of A.D.

In the Matter of a Bankrupt [*or* Insolvent.]

I hereby certify that *A.B.* of and *C.D.* of , Assignees of the Estate and Effects of the above-named Bankrupt [*or* Insolvent], are Creditors of the said Bankrupt [*or* Insolvent] as such Assignees for the Sum of in trust for the Creditors of the said Bankrupt, [*or* Insolvent] [*or* that *E.F.* of is a Creditor of the said Bankrupt [*or* Insolvent] for the Sum of], and that the said Bankrupt [*or* Insolvent] is not protected by this Court from Process against his Person.

G.H., Judge.

I.J., Registrar.
(Seal of the Court.)

SCHEDULE (Y.)

The Irish Bankrupt and Insolvent Act, 1855.

[In Bankruptcy *or* in Insolvency.]

Warrant against Person disobeying any Rule or Order of Court.

Whereas by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Irish Bankrupt and Insolvent Act, 1855, [*or if any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent, for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, that [*&c., &c., as in the Rule or Order :*]

And whereas it is now proved, that after the making of the said Rule [*or* Order], that is to say, on this Day of a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order] at the same time shown to him; but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order].

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court of Bankruptcy and Insolvency, this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)
Judge.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

SCHEDULE (Z.)

[In Bankruptcy *or* in Insolvency.]

Warrant of Committal of Bankrupt, Insolvent, or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy and Insolvency, Dublin.

WHEREAS *E.F.*, the said [*or G.H.* of in the County of] was on the Day of duly sworn and examined in this Court. And the said was again on the Day of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (A a.)

Warrant for refusing to be sworn or to answer.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent].

WHEREAS *E.F.*, of *or G.H.*, of being present in this Court on this Day of was by me, the Judge of Bankruptcy and Insolvency, whose Name and Seal are hereunto subscribed and affixed, required to submit to be duly sworn and examined, pursuant to the Statute but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the said Judge]:

These are therefore to authorize and require you my Messenger, to whom this my Warrant is directed, immediately upon Receipt hereof, to take into your

Custody the said and him safely to convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Judges of Bankruptcy and Insolvency to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Given under my Hand and the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to Governor of
the said Prison, or to his Deputy
there.

SCHEDULE (A b.)

Warrant of Committal for disturbing or interrupting the Court.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent.] } WHEREAS at a Sitting in this Matter duly holden in the said Court on the Day of 18 , before me, the Judge of Bankruptcy and Insolvency, whose Name and Seal are hereunto subscribed and affixed, *E.F., &c.* [*or G.H. &c.*] was guilty of Riot [*or* of Disturbance, *or* did interrupt me, the said Commissioner, in the Exercise of my Duty]:

These are therefore to authorize and require you my Messenger, to whom this my Warrant is directed, immediately upon the Receipt thereof to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prlson, who is hereby authorized and required to receive the said into his Custody, and him safely keep and detain for One Calendar Month [*or* for Days from this Date].

Given under my Hand and the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

Bankruptcy and Insolvency

(Ireland.)

A

BILL

To consolidate and amend the Laws of Bankruptcy and Insolvency in Ireland.

(*Prepared and brought in by*
Mr. Solicitor General for Ireland,
Mr. Attorney General for Ireland, and
Mr. Horsman.)

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1855.

[Bill 203.]

Under 17 *oz.*

Bills of Exchange Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Bills and Notes to be protested; 2.

Holders of dishonoured Bills or Notes, after protesting them, may proceed under this Act; 3.

Her Majesty may appoint a Registrar of protested Bills; 4.

Holder of dishonoured Bill or Note may register Protest in the Court of Common Pleas, and obtain an Order for the Payment against any of the Parties to Bill or Note; 5.

Seal of Registry Office to be made; Copies of Proceedings stamped therewith to be received in Evidence; 6.

Order to be endorsed with Name and Abode of Attorney, or a Memorandum that Order has been sued by Plaintiff in Person; 7.

Attorney, on Demand, to declare whether Order issued by his Authority, and to declare Name and Abode of his Client. If Order issued without Authority of Attorney, Proceedings to be stayed; 8.

Order may be served in any County; 9.

Service on Corporations; 10.

Mode of Service in general; 11.

As to Order against Party residing out of Jurisdiction of Superior Courts; 12.

Concurrent Orders may issue; 13.

Before Execution Party served with Order may apply to Court to stay Execution; 14.

Where proper Grounds are disclosed, Court may direct an Issue in Law or in Fact; 15..

Party seeking to stay Execution must furnish Security for Debt and Costs; 16.

Costs of Issue; 17.

Judgment on Issue; when Order to be discharged, and when Execution to proceed; 18.

Attornies and Solicitors not exempt from Provisions of this Act; 19.

Saving all other Remedies, and excepting Bills or Notes not exceeding Fifteen Pounds; 20.

General Rules may be made by Judges of Court of Common Pleas; 21.

New Forms of Writs and other Proceedings; 22.

Remuneration of Registrar; Provision for a Table of Fees. [*Proposed to be inserted in Committee.*]

Protest to prove itself for Registration. Proviso for further Proof after Suspension; 23.

Power to Judge, upon Affidavit of Fraud, to impound Bill at Instance of Defendant, and to order Security for Costs; 24.

Affidavits in certain Cases may be sworn before a Consul; 25.

Interpretation; 26.

Short Title; 27.

SCHEDULE.

A

B I L L

INTITULED

An Act to permit the Registration of dishonoured Bills of Exchange and Promissory Notes in England, and to allow Execution thereon.

The Clause printed in Red Ink is proposed to be added in Committee.

WHEREAS it is expedient that greater Facilities than now exist should be given for the Recovery of Money due on Bills of Exchange and Promissory Notes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Provisions of this Act shall come into operation on the Twenty-fourth Day of August One thousand eight hundred and fifty-five: Provided always, that this Act shall not apply to any Bill of Exchange or Promissory Note drawn or made prior to the passing of this Act. Commencement of Act.

II. All Bills of Exchange and Promissory Notes shall, for the Purposes of this Act, be noted and protested, as in the Case of Foreign Bills of Exchange. Bills and Notes to be protested.

Holders of dishonoured Bills or Notes, after protesting them, may proceed under this Act.

III. It shall be lawful for the Holder of a Bill of Exchange which has been noted for Non-acceptance, or of a Bill of Exchange or Promissory Note which has on the Day of its becoming due been noted for Nonpayment, and which Bill of Exchange or Promissory Note is free from Erasure or Alteration in any material Part, except by striking out the Name or Names of an Endorser or Endorsers, to proceed under the Provisions of this Act at any Time after Protest for Non-acceptance or for Nonpayment and before the Expiration of Six Months after the Day of such Bill or Note becoming due; provided such Holder shall, on or at any Time previous to the Day of such Bill or Note becoming due, have been the Holder thereof or liable for the Amount of the same, or shall under the Custom of Merchants have paid such Bill or Note supra Protest for the Honour of the Drawer of such Bill or of any Endorser on such Bill or Note.

Her Majesty may appoint a Registrar of protested Bills.

IV. It shall be lawful for Her Majesty to appoint an Officer, to be attached to the Court of Common Pleas, who shall be called "The Registrar of protested Bills of Exchange and Promissory Notes," and the said Registrar so appointed shall keep a Register in the said Court of Common Pleas, in an Office situate within the City of London to be provided by the Lords Commissioners of the Treasury, for the Registration of protested Bills and Promissory Notes as herein-after provided; and such Registrar may by a Writing under his Hand and Seal appoint a Deputy or Deputies, who shall be previously approved of by the Lord Chief Justice of the Court of Common Pleas, and all Registrations made and other Acts done by such Deputy or Deputies shall have the same Effect as if made and done by such Registrar.

Holder of a dishonoured Bill or Note may register Protest in the Court of Common Pleas, and obtain an Order for the Payment against any of the Parties to Bill or Note.

V. Every Holder of a dishonoured Bill of Exchange or Promissory Note which is free from Erasure or Alteration in any material Part, except as aforesaid, may, after Protest, register such Bill of Exchange or Promissory Note, and the Protest thereon, in the Register of the Court of Common Pleas, and shall thereupon be entitled to an Order of such Court on such Bill of Exchange or Promissory Note against the Parties to such Bill or Note whose Names are signed or endorsed thereon, and who are residing within the Jurisdiction of the said Court, for Payment of the same, with Interest and Costs, within Eight Days after Service of such Order, exclusive of the Day of Service; and such Order shall be issued and signed by the Registrar, and shall be in the Form contained in the Schedule to this Act annexed, marked No. 1.; and upon the Expiration of such Eight Days after Service of such Order on any such Party, without such Payment having been made as aforesaid, the said Order shall have the Effect of a

Judgment

Judgment against such Party, and may be registered as such, and Execution may issue thereon against such Party, on Affidavit of the Service of such Order, which Affidavit shall be endorsed on such Order or annexed thereto: Provided always, that in any Case of Doubt or Difficulty arising to the Registrar of protested Bills of Exchange and Promissory Notes in the Execution of his Duties under this Act, it shall be lawful for such Registrar to refuse to register any Bill of Exchange or Promissory Note and Protest thereon until such Holder shall apply to and obtain the Fiat or Order of such Court or a Judge directing the Registration of such Bill or Note and Protest.

Registrar to provide Seal of Office, and all certified Copies of Entries sealed therewith to be received in Evidence.

VI. The Registrar of protested Bills of Exchange and Promissory Notes shall cause to be made a Seal of the said Register Office, and shall cause to be sealed or stamped therewith every Bill of Exchange, Promissory Note, and Protest which shall be produced to him for the Purpose of Registration under this Act, and also every Proceeding issued, entered, or taken under the Provisions of this Act; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office shall be received in Evidence without any further Proof or Evidence of such Entry.

Order to be endorsed with Name and Abode of Attorney, or a Memorandum that Order has been sued by Plaintiff in Person.

VII. Every Order issued by Authority of this Act shall be endorsed with the Name and Place of Abode of the Attorney actually suing out the same; and when the Attorney actually suing out any Order shall sue out the same as Agent for an Attorney in the Country, the Name and Place of Abode of such Attorney in the Country shall also be endorsed on the said Order; and in case no Attorney shall be employed to sue out the Order, then it shall be endorsed with a Memorandum expressing that the same has been sued out by the Holder in Person, mentioning the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House, of such Plaintiff's Residence, if any such there be.

Attorney, on Demand, to declare whether Order issued by his Authority, and to declare Name and Abode of his Client.

If Order issued without Authority of Attorney, Proceedings to be stayed.

VIII. Every Attorney whose Name shall be endorsed on any Order issued by Authority of this Act shall, on Demand in Writing made by or on behalf of any Party against whom such Order has issued, declare forthwith whether such Order has been issued by him or with his Authority or Privity, and if he shall answer in the Affirmative then he shall also declare in Writing the Profession, Occupation, or Quality, and Place of Abode of the Holder of the Bill or Note on whose Behalf such Order has been issued, on pain of being guilty of a Contempt of the Court; and if such Attorney shall declare that the Order was not issued by him, or with his Authority and Privity, all Proceedings on the same shall be stayed, and no further Proceedings shall be taken thereupon without Leave of the Court or a Judge.

Order may be served in any County.

IX. Any Order for Payment of a Bill or Note against any Party residing within the Jurisdiction of the said Court, obtained under this Act, may be served in any County.

Service on Corporations.

X. Where any of the Parties against whom such Order has issued is a Corporation Aggregate, such Order, in so far as such Corporation is concerned, may be served on the Head Officer, Clerk, Treasurer, or Secretary of such Corporation.

Mode of Service.

XI. The Service of such Order shall be by serving a Copy thereof personally upon the Party or Parties against whom it is directed, wherever it may be practicable so to do; but it shall be lawful for the Party who has obtained such Order to apply from Time to Time, on Affidavit, to the Court or to a Judge, and in case it shall appear to such Court or Judge that reasonable Efforts have been made to effect personal Service on any of the Parties against whom it issued, and either that the Order has come to the Knowledge of such Party, or that he wilfully evades Service of the same, and that such Order has not been complied with, it shall be lawful for such Court or Judge to direct that such Order shall have the Effect of a Judgment, and that Execution shall issue as if personal Service had been effected: Provided always, that in case such Service shall not be made on all the Parties against whom such Order shall be directed, such Service shall nevertheless be good as against any Party or Parties upon whom Service shall be actually made, and Execution may issue against him or them, or against any Party or Parties with regard to whom such Court or Judge shall direct Execution to issue, as if personal Service had been effected.

As to Order against Party residing out of the Jurisdiction of Superior Courts.

XII. In case any Party to a dishonoured Bill of Exchange or Promissory Note against whom the Holder of such Bill or Note wishes to proceed under the Provisions of this Act is residing out of the Jurisdiction of the said Court, it shall be lawful for the said Court of Common Pleas or any Judge, on Application by such Holder, to direct that an Order for Payment shall issue, in the Form contained in the Schedule to this Act annexed, marked No. 2., which Order shall bear the Endorsement contained in the said Form, purporting that such Order is for Service out of the Jurisdiction of the Court; and the Time for Payment of such Bill or Note in such Order shall be determined by such Court or Judge, and with reference to the Distance from England of the Place where the Party against whom such Order has been obtained is residing; and it shall be lawful for the Court or Judge, upon being satisfied by Affidavit that the Order was duly served on the Party against whom the same issued, having regard to the Time allowed to such Party for making Payment

Payment of the Bill or Note on which such Order issued, and that such Order has not been complied with, to direct that such Order shall, at the Expiration of the Time to be allowed, have the Effect of a Judgment within the Jurisdiction of such Court; and thereupon Execution may issue, and such Order may be registered as a Judgment.

Concurrent Orders may issue.

XIII. Any Order for Service within the Jurisdiction may be issued and marked as a concurrent Order with one for Service out of the Jurisdiction, and an Order for Service out of the Jurisdiction may be issued and marked as a concurrent Order with one for Service within the Jurisdiction.

Before Execution Party served with Order may apply to Court to stay Execution.

XIV. It shall be lawful for the Party who has been served with any Order for the Payment of a Bill of Exchange or Promissory Note as aforesaid, at any Time before Execution levied, or before any Writ of Fieri facias, Levari facias, or Elegit issued on such Order or Judgment has been fully executed, to apply to the Court or a Judge to stay Execution, which Application must be supported by an Affidavit disclosing what would constitute a legal or equitable Defence to an Action on the Bill or Note against the Party seeking to stay Execution, or Facts which according to Law would make it incumbent on the Holder of such Bill or Note to prove in an Action thereon that he gave a valuable Consideration for the same, or such other Facts as the Court or Judge may deem sufficient to stay Proceedings or for the making of such other Order as herein-after provided: Provided always, that if the Party served with such Order shall be arrested on any Writ of Capias ad satisfaciendum issued on such Order or Judgment, it shall be lawful for him, at any Time before he is discharged from Custody, to apply to the Court or a Judge to set aside such Writ, and to discharge him from Custody, and to stay all further Execution, which Application shall be supported by Affidavit as aforesaid.

Where proper Grounds are disclosed, Court may direct an Issue in Law or in Fact.

XV. In any of the said Cases, if the Court or Judge shall think that such legal or equitable Defence has been disclosed, Execution may be stayed, or the Party discharged from Custody and Execution stayed, as the Case may be, or an Issue in Fact directed to be tried by the Parties, or a Special Case to be stated by them for the Opinion of the Court, in the same Manner as if the Question of Fact or of Law so directed to be tried or stated had been raised by Consent of Parties, without pleading under the Provisions of the Common Law Procedure Act, 1852, or such other Order made as to the Court or Judge shall seem meet; provided always, that in the Proceedings in any Issue or Special Case to be directed under this Act the Holder of the Bill or Note shall be Plaintiff, and the Party seeking to stay Execution Defendant; and the Court or Judge in any of the Cases aforesaid

aforesaid shall have Power to direct upon what Terms, as to Security for Costs or otherwise, such Issue shall be tried, or Special Case stated, or other Order made as aforesaid.

Party seeking to stay Execution must furnish Security for Debt and Costs.

XVI. Within Six Days after such Issue or Special Case has been directed, or such further Time as the Court or a Judge shall appoint, the Party seeking to stay Execution or to be discharged from Custody shall give Security for the Payment of the Bill or Note, and Interest thereon, and for the Costs of protesting and registering the Bill or Note, and of the Order and Service of the same, and also for the Costs of trying the Issue or of the Special Case, and Proceedings thereon, or pay into Court a Sum of Money which shall be deemed sufficient by such Court or Judge to abide the Event of such Issue or Special Case, otherwise Execution shall proceed as if no such Issue or Special Case had been directed: Provided always, that the Court or Judge may direct that such Security shall not be required where the Party applying for a Stay of Execution or Discharge from Custody can show to the Satisfaction of the Court or Judge, upon Affidavit, that his alleged Signature to the Bill or Note has been forged, or that Circumstances exist which affect the Title of the Holder with Fraud, or that any other Circumstances exist which, in the Opinion of the Court or Judge, may render such Security unnecessary; and in such Case it shall be lawful for the Court or Judge, in its or his Discretion, to direct that the Holder shall find Security for the Defendant's Costs of trying such Issue or of such Special Case and Proceedings thereon, or pay into Court a Sum of Money which shall be deemed sufficient by such Court or Judge to abide such Event as aforesaid.

Costs of Issue.

XVII. The Costs of such Issue in Fact or Special Case shall be in the Discretion of the Court.

Judgment on Issue; when Order to be discharged, and when Execution to proceed.

XVIII. Upon the Finding of the Jury on any such Issue in Fact the Order for the Payment of the Bill or Note shall be forthwith discharged, or Execution may forthwith be issued thereon, according to such Finding, unless the Court or a Judge shall otherwise order, for the Purpose of giving either Party an Opportunity for moving to set aside the Verdict or for a new Trial; and upon the Judgment of the Court in any such Special Case the Order for Payment shall be forthwith discharged, or Execution may forthwith proceed thereon, according to such Judgment, unless Proceedings in Error be taken by either Party: Provided always, that if the Plaintiff has been discharged from Custody by Order of the Court or a Judge, such Discharge shall not be a Satisfaction of the Debt due by such Plaintiff on the Bill of Exchange or Promissory Note on which the Order for Payment originally issued.

XIX. No

Attornies and Solicitors not exempt from Provisions of this Act.

XIX. No Privilege shall be allowed to any Attorney or Solicitor to exempt him from the Provisions of this Act.

Saving all other Remedies.

XX. Nothing in this Act contained shall be construed or taken to interfere with or to affect any Remedy which is now competent to the Holder of or to any Party to a Bill of Exchange or Promissory Note at Law or in Equity.

General Rules may be made by Judges of Court of Common Pleas.

XXI. It shall be lawful for the Judges of the Court of Common Pleas, or any Three or more of them, of whom the Chief of such Court shall be One, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act in the said Court as in their Judgment shall be necessary or proper, and to establish a Table of Fees to be allowed to Notaries Public for noting and protesting Bills of Exchange and Promissory Notes, and, except as otherwise provided by this Act, fixing all other Costs to be allowed for and in respect of the Matters herein contained, and to amend or alter such Tables of Fees from Time to Time.

Registrar's Salary to be fixed by Treasury, and paid by Fees of Office.

The Registrar who may be appointed under this Act shall be remunerated by way of Salary, to be fixed and appointed by the Commissioners of Her Majesty's Treasury, not earlier than at the Expiration of One Year from the Time of this Act coming into operation; and such Salary, and all the Expenses of the Office of Registrar, shall be paid and payable out of the Fees to be received by the Registrar; and all the Provisions contained in the Seventy-third Chapter of the Fifteenth and Sixteenth Years of Her Majesty, with respect to the Preparation of a Table of Fees, and to the Publication thereof, and to the Account to be rendered to the said Commissioners, and all the Powers conferred by the said Act on the said Commissioners with respect to the Officers of the Court there mentioned, and with respect to Fees, Salaries, Allowances, and Accounts, shall extend to and apply in every Particular in the said Act contained to the Officer to be appointed under this Act as Registrar of protested Bills of Exchange and Promissory Notes: Provided always, that during the First Year of Office, and until the said Commissioners have fixed and appointed the Salary to be taken, the Registrar shall be entitled to apply the Fees to be received by him in Payment of such Salary or Remuneration for the said First Year, and of such Expenses of the Office as the said Commissioners may at the End of the said Year appoint and approve of; and the Surplus (if any) shall be paid over by the Registrar to the Commissioners of Her Majesty's Treasury.

New Forms of Writs and other Proceedings.

XXII. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken in the said Court of Common Pleas as

may by the Judges of the said Court, or any Three or more of them, of whom the Chief of the said Court shall be One, be deemed necessary or expedient, for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Court shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted on and enforced in such and the same Manner as Writs and Proceedings of the said Court are now acted on and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Protest to prove itself for Registration.

XXIII. Every Protest of a Bill of Exchange or Promissory Note shall, for the Purpose of Registration under this Act, be received by the Registrar of protested Bills of Exchange and Promissory Notes without any Evidence being required as to the Signature or Seal to such Protest.

Power to Judge upon Affidavit of Fraud to impound Bill at Instance of Defendant, and to order Security for Costs.

XXIV. In any Proceedings under this Act, on any Bill of Exchange or Promissory Note, the Defendant may, at any Time before Execution levied, apply to the Court or to a Judge, on Affidavit, showing that the Bill of Exchange or Promissory Note on which such Proceedings have been taken, or his Signature thereto or thereon, was obtained from him by any Menaces, Force, or false Pretence, or other fraudulent Means, or that such Bill or Note has been fraudulently appropriated or disposed of, and thereupon such Court or Judge may order the said Bill or Note to be forthwith deposited with the Registrar of the Court to abide the further Order of the Court or Judge, and may further order that all Proceedings thereon shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Affidavits in certain Cases may be sworn before a Consul.

XXV. Any Affidavit for the Purpose of proving Service of any Order for the Payment of any dishonoured Bill of Exchange or Promissory Note issued under this Act against any Person residing out of Her Majesty's Dominions, or Service of Notice of such Order, or for the Purpose of making any Application to the Court or a Judge under this Act, may be sworn before any Consul General, Consul, Vice Consul, or Consular Agent for the Time being appointed by Her Majesty at any Foreign Port or Place; and every Affidavit so sworn by virtue of this Act may be used and shall be admitted in Evidence, saving all just Exceptions, provided it purport to be signed and sealed by such Consul General, Consul, Vice Consul, or Consular Agent: Provided always, that if any Person shall forge the Signature of the Deponent or the Signature or Seal

Seal of any such Consul General, Consul, Vice Consul, or Consular Agent to any such Affidavit, or shall use or tender in Evidence any such Affidavit with a false or counterfeit Signature or Seal thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Imprisonment for any Term not exceeding Three Years nor less than One Year, with Hard Labour; and every Person who shall be charged with committing any such Felony may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County or Place in which he shall be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in any County or Place in which the principal Offender may be tried: Provided also, that if any Person shall wilfully and corruptly make a false Affidavit before such Consul General, Consul, Vice Consul, or Consular Agent, every Person so offending shall be deemed and taken to be guilty of Perjury, in like Manner as if such Person had wilfully and corruptly made such false Affidavit in England before competent Authority, and shall and may be dealt with, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in any County or Place in which he shall be apprehended or be in Custody, as if his Offence had been actually committed in that County or Place.

Interpretation.

XXVI. The Word "Holder" shall be taken to include any Party or Parties who shall, under the Custom of Merchants, have paid supra Protest any Bill of Exchange or Promissory Note for the Honour of the Drawer of such Bill of Exchange or of any Indorser on such Bill of Exchange or Promissory Note, and the Word "Judge" shall be held to mean and include any Judge of the Superior Courts of Common Law.

Short Title.

XXVII. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Summary Execution on Bills of Exchange Act, 1855."

SCHEDULE.

No. 1.

In the Common Pleas.

On the Day of A.D. 18 .

Victoria, by the Grace of God, &c. To *C.D.* of in the County of *E.F.* of in the County of *&c.*

(England, to wit.) *A.B.* in his own proper Person [*or* by *G.H.*, his Attorney] appeared and craved that the Protest underwritten should be recorded in the Register of this Court for Protests of Bills of Exchange and Promissory Notes for Execution, according to the "Summary Execution on Bills of Exchange Act, 1855," which was accordingly done, as follows:

[*Copy the Bill or Note and Protest.*]

Therefore it is considered, that the said *A.B.* recover against the said *C.D.*, *E.F.* *&c.*, £ with Interest thereon since the said Bill (*or* Note) became due, together with the Sum of 20*s.* for Costs of Protest, Registration, and Service, unless the said Sum of £ with such Interest and Costs as aforesaid, shall be paid * within Eight Days after Service hereof, exclusive of the Day of Service. We command you, therefore, that within Eight Days after the Service of this Order on you, exclusive of the Day of such Service, you make Payment to the said *A.B.* of the said respective Sums of £ [a] and £ [b] together amounting to the Sum of £ and also such Interest as aforesaid; and take notice, that in default of your so doing, this Order will have the Effect of a Judgment, and the said *A.B.* may proceed to Execution against you: Take notice, that if you can show cause why, on Nonpayment within such Eight Days, Execution should not issue against you upon this Order, you must apply upon Affidavit, showing such Cause to the Court of Common Pleas at Westminster, or to a Judge, without Delay.

(a) *Principal Money in Bill or Note.*
(b) *Costs.*

Witness, &c.

X.Y. [*Signature of Registrar.*]

No. 2.

As in No. 1., *to the Asterisk* * *between the Words* "paid" *and* "within": *then proceed*, "on or before the Day of now next ensuing, and which will be in the Year of our Lord 18 . We

We command you, therefore, that on or before the said Day of now next you make Payment to the said *A.B.* of the said respective Sums of £ [*Principal Money in Bill or Note*], and 20*s.* for Costs of Protest, Registration, and Service, together amounting to the Sum of £ , and also such Interest as aforesaid; and take notice, that the Court or a Judge, upon being satisfied by Affidavit that this Order has been duly served on you, and has not been complied with, may direct that such Order shall, at the Expiration of the Time allowed as above, have the Effect of a Judgment within the Jurisdiction of the said Court, and in that Case the said *A.B.* may proceed to Execution against you within such Jurisdiction: Take notice, that if you can show Cause why, on Nonpayment within the Time allowed as above, notwithstanding any such Direction of the Court or a Judge, Execution should not issue against you upon this Order, you must apply upon Affidavit, showing such Cause to the Court of Common Pleas at Westminster, or to a Judge, without Delay.

"Witness,"

X.Y. [*Signature of Registrar.*]

Indorsement to be made on Writ before Service thereof.

This Writ is for Service *out* of the Jurisdiction of the Court.

Bills of Exchange.

A

BILL

INTITULED

An Act to permit the Registration of dishonoured Bills of Exchange and Promissory Notes in England, and to allow Execution thereon.

(*Brought from the Lords 7 February* 1855.)

Ordered, by The House of Commons, *to be Printed,*
7 *February* 1855.

Under 2 oz.

[Bill 19.]

2 *February* 1855. 18 Vict.

A

B I L L

TO

Facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS bonâ fide Holders of dishonoured Bills of Exchange and Promissory Notes are often unjustly delayed and put to unnecessary Expense in recovering the Amount thereof, by reason of frivolous or fictitious Defences to Actions thereon: For Remedy thereof be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

In Actions commenced under this Act if the Defendant do not obtain Leave of the Court or a Judge to appear, the Plaintiff may sign Judgment.

I. From and after the *Day of* , *One thousand Eight hundred and fifty-five*, all Actions upon Bills of Exchange or Promissory Notes commenced within *Three* Months after the same shall have become due and payable, may be by Writ of Summons in the Special Form contained in Schedule A. to this Act annexed, and indorsed as therein mentioned; and it shall be lawful for the Plaintiff, on filing an Affidavit of personal Service of such Writ within the Jurisdiction of the Court, or an Order for Leave to proceed, as provided by the Common Law Procedure Act, 1852, and a Copy of the Writ of Summons and the Indorsements thereon, in case the Defendant

shall not have obtained Leave to appear, and have appeared to such Writ according to the Exigency thereof, at once to sign final Judgment in the Form contained in Schedule B. to this Act annexed (on which Judgment no Proceeding in Error shall lie), for any Sum not exceeding the Sum indorsed on the Writ, together with Interest, at the Rate specified (if any), to the Date of the Judgment, and a Sum for Costs to be fixed by the Masters of the Superior Courts or any Three of them, subject to the Approval of the Judges thereof or any *Eight* of them (of whom the Lord Chief Justices and the Lord Chief Baron shall be Three), unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Defendant showing a Defence upon the Merits to have Leave to appear.

II. A Judge of any of the said Courts shall, upon Application within the Period of *Eight* Days from such Service, give such Leave to appear to such Writ, and to defend the Action on Affidavits satisfactory to him, disclosing a Defence to such Action upon the Merits.

Judge may before or after Judgment give Leave to appear, although a Defence be not shown, if reasonable Ground be laid.

III. A Judge of any of the said Courts may either before or after Judgment give such Leave to appear to such Writ, and to defend the Action, although there be not disclosed a Defence to such Action on the Merits if it shall appear to such Judge to be reasonable so to do, in which Case such Judge may impose such Terms as appear to him to be just.

Proceedings where Defendant resides out of the Jurisdiction.

IV. In case any Defendant is residing out of the Jurisdiction of the Superior Courts, Actions upon Bills of Exchange or Promissory Notes commenced within *Three* Months after the same shall have become due and payable, may be by Writ, with the Indorsement thereon, in the Form contained in Schedule C., and the Time for Application for Leave to appear to such Writ shall be regulated by the Distance from England of the Place where the Defendant is residing; and it shall be lawful for a Judge, upon being satisfied by Affidavit that there is a Cause of Action which arose within the Jurisdiction, and that the Writ was personally served upon the Defendant, or that reasonable Efforts were made to effect personal Service upon the Defendant, and that it came to his Knowledge, and either that the Defendant wilfully neglected to apply for Leave to appear to such Writ, or that he is living out of the Jurisdiction of the said Courts, in order to defeat or delay his Creditors, to direct from Time to Time that the Plaintiff should be at liberty to proceed in the Action in such Manner and subject to such Conditions as to the Judge may seem just, having regard to the Time allowed to the Defendant to apply for Leave to appear being reasonable, and all

all other Circumstances of the Case: Provided always, that the Plaintiff shall, and he is hereby required to, prove the Amount of the Debt claimed by him in such Action, before one of the Masters of the said Superior Court, and the making such Proof shall be a Condition precedent to his obtaining Judgment.

Enactments as to Appearances where the Defendant resides within the Jurisdiction to extend to Causes where he resides out of the Jurisdiction.

V. The Enactments in this Act as to the giving Leave to appear and defend, and as to Appearances, shall extend as well to Cases where the Defendant resides out of the Jurisdiction of the Superior Courts as to Cases where he is within it at the Time of the Service of the Writ of Summons upon him.

Common Law Procedure Acts and Rules incorporated with this Act.

VI. The Provisions of the Common Law Procedure Act, 1852, and the Common Law Procedure Act, 1854, and all Rules made under or by virtue of either of the said Acts, shall, so far as the same are or may be made applicable, extend and apply to all Proceedings to be had or taken under this Act; and this Act shall be construed and carried into effect as if it had formed a Part of the said first-mentioned Act.

Act not to extend to Ireland or Scotland.

VII. Nothing in this Act shall extend to Ireland or Scotland.

SCHEDULES referred to in the foregoing Act.

A.

Victoria, by the Grace of God, &c.

To C.D., of , in the County of .

We warn you, That unless within *Eight* Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from One of the Judges of the Courts at Westminster to appear, and do within that Time appear in Our Court in an Action at the Suit of A.B., the said A.B. may proceed to Judgment and Execution. Witness, &c.

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by E.F., of , Attorney for the Plaintiff. *Or*, This Writ was issued in Person by A.B., who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence*].

Indorsement.

The Plaintiff claims [Pounds Principal and Interest], *or* Pounds Balance of Principal and Interest due to him as the Payee [*or* Indorsee] of a Bill of Exchange or Promissory Note, of which the following is a Copy:—

[*Here copy Bill of Exchange or Promissory Note, and all Indorsements upon it*].

And if the Amount thereof be paid to the Plaintiff or his Attorney within Days from the Service hereof, further Proceedings will be stayed.

Notice.

Take Notice, That if the Defendant do not obtain Leave from One of the Judges of the Courts within *Eight* Days after having been served with this Writ, inclusive of the Day of such Service, to appear thereto, and do within such Time cause an Appearance to be entered for him in the Court of which this Writ issues, the Plaintiff will be at Liberty at any Time after the Expiration of such *Eight* Days to sign final

final Judgment for any Sum not exceeding the Sum above claimed, and the Sum of Pounds for Costs, and issue Execution for the same.

Leave to appear may be obtained on an Application at the Judges Chambers, Serjeants Inn, London, supported by Affidavit showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

Indorsement to be made on the Writ after Service thereof.

This Writ was served by X.Y. on L.M. (the Defendant the Defendants), on Monday the Day of 18 ,

By X.Y.

B.

In the Queen's Bench.

On the Day of in the Year of our Lord 18 [*Day of signing Judgment*].

England (to wit). A.B. in his own Person [*or* by his Attorney] sued out a Writ against C.D., indorsed as follows:—

[*Here copy Indorsement of Plaintiff's Claim.*]

and the said C.D. has not appeared:

Therefore it is considered that the said A.B. recover against the said C.D. Pounds, together with Pounds for Costs of Suit.

C.

Writ where the Defendant resides out of the Jurisdiction.

Victoria, by the Grace of God, &c.

To C.D. of in the County of *or* now residing at [*Paris in France*].

We warn you, That unless within [*here insert a sufficient Number of Days within which the Defendant might apply to a Judge for Leave to appear, with reference to the Distance he may be from England*] Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from One of the Judges of the Courts at Westminster to appear, and do within that Time appear in the Court of in an Action at the Suit of A.B., the said A.B. may proceed to Judgment and Execution. Witness, &c.

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within *Six* Calendar Months from the Date thereof, or if renewed, from the Date of such Renewal, and including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ is for Service out of the Jurisdiction of the Court, and was issued, &c. [*as a Writ for Service within the Jurisdiction.*]

The Indorsement required by the Eighth Section of the Common Law Procedure Act, 1852, should be made on the Writ, but should allow the Defendant the Time limited for Application for Leave to appear to pay the Debt and Costs.

The Indorsement of Claim to be the same as on Writ for Service within the Jurisdiction.

NOTICE.

Take Notice, That if you, C.D. the Defendant, do not within the Term limited in this Writ obtain Leave from One of the Judges of the Court to appear thereto, and do within such Term appear in the Court out of which this Writ issues, A.B. the Plaintiff will at any Time after be at Liberty to sign Judgment, &c. [*as in Notice on Writ for Service within the Jurisdiction.*]

Bills of Exchange and Promissory Notes.

A

B I L L

To facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

(*Prepared and brought in by Mr. Keating and Mr. Mullings.*)

Ordered, by The House of Commons, *to be Printed,* 2 *February* 1855.

[Bill 18.]

Under 1 *oz.*

15 *May* 1855. 18 Vict.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

[Note.—*The Clauses marked* A. *to* D. *were added by the Select Committee.*]

WHEREAS bonâ fide Holders of dishonoured Bills of Exchange and Promissory Notes are often unjustly delayed and put to unnecessary Expense in recovering the Amount thereof by reason of frivolous or fictitious Defences to Actions thereon, and it is expedient that greater Facilities than now exist should be given for the Recovery of Money due on such Bills and Notes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows: Preamble.

In Actions commenced under this Act, if the Defendant do not obtain Leave of the Court or a Judge to appear, the Plaintiff may sign Judgment

I. From and after the Twenty-fourth Day of October One thousand eight hundred and fifty-five, all Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable may be by Writ of Summons in the special Form contained in Schedule A. to this Act annexed, and indorsed as therein mentioned; and it shall be lawful for the Plaintiff, on filing an Affidavit of personal Service of such Writ within the

Jurisdiction of the Court, or an Order for Leave to proceed, as provided by the Common Law Procedure Act, 1852, and a Copy of the Writ of Summons and the Indorsements thereon, in case the Defendant shall not have obtained Leave to appear and have appeared to such Writ according to the Exigency thereof, at once to sign final Judgment in the Form contained in Schedule B. to this Act annexed (on which Judgment no Proceeding in Error shall lie) for any Sum not exceeding the Sum indorsed on the Writ, together with Interest, at the Rate specified (if any), to the Date of the Judgment, and a Sum for Costs to be fixed by the Masters of the Superior Courts or any Three of them, subject to the Approval of the Judges thereof or any Eight of them (of whom the Lord Chief Justices and the Lord Chief Baron shall be Three), unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Defendant showing a Defence upon the Merits to have Leave to appear.

II. A Judge of any of the said Courts shall, upon Application within the Period of Twelve Days from such Service, give Leave to appear to such Writ, and to defend the Action, on the Defendant paying into Court the Sum indorsed on the Writ, or upon Affidavits satisfactory to the Judge, which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove Consideration, or such other Facts as the Judge may deem sufficient to support the Application, and on such Terms as to Security or otherwise as to the Judge may seem fit.

Clause A. Judge may, under special Circumstances, set aside Judgment.

III. After Judgment, the Court or a Judge may, under special Circumstances, set aside the Judgment, and, if necessary, stay or set aside Execution, and may give Leave to appear to the Writ, and to defend the Action, if it shall appear to be reasonable to the Court or Judge so to do, and on such Terms as to the Court or Judge may seem just.

Clause B. Judge to impound Bill where Fraud suggested.

IV. In any Proceedings under this Act it shall be competent to the Court or a Judge to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Common Law Procedure Acts and Rules incorporated with this Act.

V. The Provisions of the Common Law Procedure Act, 1852, and the Common Law Procedure Act, 1854, and all Rules made under or by virtue of either of the said Acts, shall, so far as the same are or may be made applicable, extend and apply to all Proceedings to be had or taken under this Act.

VI. The

CLAUSE C. Act to apply to Court of Common Pleas, Lancaster, and Court of Pleas, Durham.

VI. The Provisions of this Act shall apply, as near as may be, to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and the Judges of such Courts, being Judges of One of the Superior Courts of Common Law at Westminster, shall have Power to frame all Rules and Process necessary thereto.

Act not to extend to Ireland or Scotland.

VII. Nothing in this Act shall extend to Ireland or Scotland.

CLAUSE D. Short Title.

VIII. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Summary Procedure on Bills of Exchange Act, 1855."

SCHEDULES referred to in the foregoing Act.

A.

VICTORIA, by the Grace of God, &c.

To *C.D.*, of , in the County of . We warn you, That unless within Twelve Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from One of the Judges of the Courts at Westminster to appear, and do within that Time appear in Our Court of in an Action at the Suit of *A.B.*, the said *A.B.* may proceed to Judgment and Execution.

Witness, &c.

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.*, of , Attorney for the Plaintiff. *Or*, This Writ was issued in Person by *A.B.*, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence*].

Indorsement.

The Plaintiff claims [Pounds Principal and Interest], *or* Pounds Balance of Principal and Interest due to him as the Payee [*or* Indorsee] of a Bill of Exchange or Promissory Note, of which the following is a Copy:—

[*Here copy Bill of Exchange or Promissory Note, and all Indorsements upon it*].

And if the Amount thereof be paid to the Plaintiff or his Attorney within Days from the Service hereof, further Proceedings will be stayed.

NOTICE.

Take notice, That if the Defendant do not obtain Leave from One of the Judges of the Courts within Twelve Days after having been served with this Writ, inclusive of the Day of such Service, to appear thereto, and do within such Time cause an Appearance to be entered for him in the Court out of which this Writ issues, the Plaintiff will be at liberty at any Time after the Expiration of such Twelve Days to sign

sign final Judgment for any Sum not exceeding the Sum above claimed, and the Sum of Pounds for Costs, and issue Execution for the same.

Leave to appear may be obtained on an Application at the Judges Chambers, Serjeants Inn, London, supported by Affidavit showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

Indorsement to be made on the Writ after Service thereof.

This Writ was served by *X.Y.* on *L.M.* (the Defendant the Defendants), on Monday the Day of 18 ,

By *X.Y.*

B.

In the Queen's Bench.

On the Day of in the Year of our Lord 18 [*Day of signing Judgment*].

England (to wit). *A.B.* in his own Person [*or* by his Attorney] sued out a Writ against *C.D.*, indorsed as follows:—

[*Here copy Indorsement of Plaintiff's Claim.*]

and the said *C.D.* has not appeared:

Therefore it is considered that the said *A.B.* recover against the said *C.D.* Pounds, together with Pounds for Costs of Suit.

Bills of Exchange and Promissory Notes.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

(*Prepared and brought in by Mr. Keating and Mr. Mullings.*)

Ordered, by The House of Commons, *to be Printed*, 15 *May* 1855.

[Bill 122]

Under 1 *oz.*

25 *June* 1855. 18 & 19 Vict.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE]

TO

Facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

[Note.—*The Clauses marked* A. *to* D. *were added by the Select Committee, and the Clauses marked* E. *and* F. *were added by the Committee.*]

Preamble.

WHEREAS bonâ fide Holders of dishonoured Bills of Exchange and Promissory Notes are often unjustly delayed and put to unnecessary Expense in recovering the Amount thereof by reason of frivolous or fictitious Defences to Actions thereon, and it is expedient that greater Facilities than now exist should be given for the Recovery of Money due on such Bills and Notes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows:

In Actions commenced under this Act, if the Defendant do not obtain Leave of the Court or a Judge to appear, the Plaintiff may sign Judgment.

I. From and after the Twenty-fourth Day of October One thousand eight hundred and fifty-five, all Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable may be by Writ of Summons in the special Form contained in Schedule A. to this Act annexed, and indorsed as therein mentioned; and it shall be lawful for the Plaintiff, on filing an Affidavit of personal Service of such Writ within the

Jurisdiction of the Court, or an Order for Leave to proceed, as provided by the Common Law Procedure Act, 1852, and a Copy of the Writ of Summons and the Indorsements thereon, in case the Defendant shall not have obtained Leave to appear and have appeared to such Writ according to the Exigency thereof, at once to sign final Judgment in the Form contained in Schedule B. to this Act annexed (on which Judgment no Proceeding in Error shall lie) for any Sum not exceeding the Sum indorsed on the Writ, together with Interest, at the Rate specified (if any), to the Date of the Judgment, and a Sum for Costs to be fixed by the Masters of the Superior Courts or any Three of them, subject to the Approval of the Judges thereof or any Eight of them (of whom the Lord Chief Justices and the Lord Chief Baron shall be Three), unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Defendant showing a Defence upon the Merits to have Leave to appear.

II. A Judge of any of the said Courts shall, upon Application within the Period of Twelve Days from such Service, give Leave to appear to such Writ, and to defend the Action, on the Defendant paying into Court the Sum indorsed on the Writ, or upon Affidavits satisfactory to the Judge, which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove Consideration, or such other Facts as the Judge may deem sufficient to support the Application, and on such Terms as to Security or otherwise as to the Judge may seem fit.

Clause A. Judge may, under special Circumstances, set aside Judgment.

III. After Judgment, the Court or a Judge may, under special Circumstances, set aside the Judgment, and, if necessary, stay or set aside Execution, and may give Leave to appear to the Writ, and to defend the Action, if it shall appear to be reasonable to the Court or Judge so to do, and on such Terms as to the Court or Judge may seem just.

Clause B. Judge to impound Bill where Fraud suggested.

IV. In any Proceedings under this Act it shall be competent to the Court or a Judge to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Clause E. Remedy for the Recovery of Expenses of noting Nonacceptance of dishonoured Bill.

V. The Holder of every dishonoured Bill of Exchange or Promissory Note shall have the same Remedies for the Recovery of the Expenses incurred in noting the same for Nonacceptance or Nonpayment, or otherwise, by reason of such Dishonour, as he has under this Act for the Recovery of the Amount of such Bill or Note.

VI. The

CLAUSE F.
Holder of Bill of Exchange may issue One Summons against all or any of the Parties to the Bill.

VI. The Holder of any Bill of Exchange or Promissory Note may, if he think fit, issue One Writ of Summons, according to this Act, against all or any Number of the Parties to such Bill or Note, and such Writ of Summons shall be the Commencement of an Action or Actions against the Parties therein named respectively, and all subsequent Proceedings against such respective Parties shall be in like Manner, so far as may be, as if separate Writs of Summons had been issued.

Common Law Procedure Acts and Rules incorporated with this Act.

VII. The Provisions of the Common Law Procedure Act, 1852, and the Common Law Procedure Act, 1854, and all Rules made under or by virtue of either of the said Acts, shall, so far as the same are or may be made applicable, extend and apply to all Proceedings to be had or taken under this Act.

CLAUSE C
Act to apply to Court of Common Pleas, Lancaster, and Court of Pleas, Durham.

VIII. The Provisions of this Act shall apply, as near as may be, to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and the Judges of such Courts, being Judges of One of the Superior Courts of Common Law at Westminster, shall have Power to frame all Rules and Process necessary thereto.

Act not to extend to Ireland or Scotland.

IX. Nothing in this Act shall extend to Ireland or Scotland.

CLAUSE D.
Short Title.

X. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Summary Procedure on Bills of Exchange Act, 1855."

SCHEDULES referred to in the foregoing Act.

A.

VICTORIA, by the Grace of God, &c.

To *C.D.*, of , in the County of . We warn you, That unless within Twelve Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from One of the Judges of the Courts at Westminster to appear, and do within that Time appear in Our Court of in an Action at the Suit of *A.B.*, the said *A.B.* may proceed to Judgment and Execution.

Witness, &c.

Memorandum to be subscribed on the Writ.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

Indorsement to be made on the Writ before Service thereof.

This Writ was issued by *E.F.*, of , Attorney for the Plaintiff. *Or*, This Writ was issued in Person by *A.B.*, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence*].

Indorsement.

The Plaintiff claims [Pounds Principal and Interest], *or* Pounds Balance of Principal and Interest due to him as the Payee [*or* Indorsee] of a Bill of Exchange or Promissory Note, of which the following is a Copy:—

[*Here copy Bill of Exchange or Promissory Note, and all Indorsements upon it*].

And if the Amount thereof be paid to the Plaintiff or his Attorney within Days from the Service hereof, further Proceedings will be stayed.

NOTICE.

Take notice, That if the Defendant do not obtain Leave from One of the Judges of the Courts within Twelve Days after having been served with this Writ, inclusive of the Day of such Service, to appear thereto, and do within such Time cause an Appearance to be entered for him in the Court out of which this Writ issues, the Plaintiff will be at liberty at any Time after the Expiration of such Twelve Days to sign

sign final Judgment for any Sum not exceeding the Sum above claimed, and the Sum of Pounds for Costs, and issue Execution for the same.

Leave to appear may be obtained on an Application at the Judges Chambers, Serjeants Inn, London, supported by Affidavit showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

Indorsement to be made on the Writ after Service thereof.

This Writ was served by *X.Y.* on *L.M* (the Defendant the Defendants), on Monday the Day of 18 ,

By *X.Y.*

B.

In the Queen's Bench.

On the Day of in the Year of our Lord 18 [*Day of signing Judgment*].

England (to wit). *A.B.* in his own Person [*or* by his Attorney] sued out a Writ against *C.D.*, indorsed as follows:—

[*Here copy Indorsement of Plaintiff's Claim.*]

and the said *C.D.* has not appeared:

Therefore it is considered that the said *A.B.* recover against the said *C.D.* Pounds, together with Pounds for Costs of Suit.

Bills of Exchange and Promissory Notes.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE]

To facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

(*Prepared and brought in by Mr. Keating and Mr. Mullings.*)

Ordered, by The House of Commons, *to be Printe* , 25 *June* 1855.

[Bill 196.]

Under 1 *oz.*

16 *May* 1855. 18 Vict.

A

BILL

TO

Amend the Law relating to Bills of Lading.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS by the Custom of Merchants a Bill of Lading of Goods being transferable by Endorsement the Property in the Goods may thereby pass to the Endorsee, but nevertheless all Rights in respect of the Contract contained in the Bill of Lading continue in the original Shipper or Owner, and it is expedient that such Rights should pass with the Property: And whereas it frequently happens that the Goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the Hands of a bonâ fide Holder for Value should not be questioned by the Master or other Person signing the same on the Ground of the Goods not having been laden as aforesaid: And whereas it is expedient that Foreign Ships should be liable to Detention in respect of Claims upon Bills of Lading or Contracts relating to the Freight or Hire of such Vessels: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights under Bills of Lading to

I. Every Consignee of Goods named in a Bill of Lading, and every Endorsee of a Bill of Lading to whom the Property in the Goods therein

vest in Consignee or Endorsee.

therein mentioned shall pass, upon or by reason of such Consignment or Endorsement, shall have all Rights of Suit and otherwise in respect of such Goods as if the Contract for the Carriage thereof had been made with himself.

Not to affect Right of Stoppage in transitu or Claims for Freight.

II. Nothing herein contained shall prejudice or affect any Right of Stoppage in transitu, or any Right to claim Freight against the original Shipper or Owner, or any Liability of the Consignee or Endorsee by reason or in consequence of his being such Consignee or Endorsee, or of his Receipt of the Goods by reason or in consequence of such Consignment or Endorsement.

Bill of Lading in Hands of Holder for Value to be conclusive Evidence of the Shipment as against Master; unless the Holder has Notice that the Goods are not on board: Provided that the Master may show that the Misrepresentation was caused by Fraud of Shipper or Holder.

III. Every Bill of Lading in the Hands of a Consignee or Endorsee for valuable Consideration representing Goods to have been shipped on board a Vessel shall be conclusive Evidence of such Shipment as against the Master or other Person signing the same, notwithstanding that such Goods or some Part thereof may not have been so shipped, unless such Holder of the Bill of Lading shall have had actual Notice at the Time of receiving the same that the Goods had not been in fact laden on board: Provided, that the Master or other Person so signing may exonerate himself in respect of such Misrepresentation by showing that it was caused without any Default on his Part, and wholly by the Fraud of the Shipper, or of the Holder, or some Person under whom the Holder claims.

Power to detain Foreign Ship for Claim under Bill of Lading or Charter.

IV. Whenever any Person shall have any Claim for Debt or Damages against any Foreign Ship or the Owners thereof, arising upon or out of any Bill of Lading of Goods, or any Charter or Contract for or relating to the Freight or Hire of any such Ship, to be performed wholly or in part within the United Kingdom, if such Ship shall be found in any Port or River of the United Kingdom, or within *Three* Miles of the Coast thereof, it shall be lawful for the Judge of any Court of Record in the United Kingdom, or in Scotland the Court of Session, or the Sheriff of the County within whose Jurisdiction such Ship may be, upon the Existence of such Claim being shown by any Person applying summarily, to issue an Order directed to any Officer of Customs or other Officer named by such Judge requiring him to detain such Ship until such Time as the Owner, Master, or Consignee thereof has made satisfaction in respect of such Claim, or has given Security, to be approved by the Judge, to abide the Event of any Action, Suit, or other legal Proceeding that may be instituted in respect of such Claim, and to pay all Costs and Damages that may be awarded thereon, and any Officer of Customs or other Officer to whom such Order is directed shall detain such Ship accordingly.

V. In

Power of provisional Detention of Foreign Ship.

V. In any Case where it may appear that before any Application can be made under the foregoing Section such Foreign Ship will have departed beyond the Limits therein mentioned, it shall be lawful for any British Officer of Customs to detain such Ship until such Time as will allow such Application to be made and the Result thereof communicated to him, and no such Officer shall be liable for any Costs or Damages in respect of such Detention unless the same shall be proved to have been made by him without reasonable Grounds.

Power of Deposit to release Ship.

VI. It shall be lawful for any Owner, Master, or Consignee of a Ship detained under either of the Two preceding Sections in the meantime, until such Security as aforesaid can be given, at any Time within *Two* Days from such Detention, to deposit with the Collector or Chief Officer of Customs of the Port at or near to which the Ship shall be a Sum equal to the Amount of the Claim for which the Ship shall be detained, with *Twenty Pounds* for Costs; and thereupon the Ship shall forthwith be discharged from such Detention, and the Officer detaining the same is hereby required to discharge such Ship accordingly.

Disposal of Money deposited.

VII. The Money so deposited shall be subject to the Order of the Judge to whom Application shall be made for an Order of Detention, or, if such Action, Suit, or other Proceeding as aforesaid shall have been instituted in any Court, shall be subject to the Order of such Court, or of a Judge thereof; if an Order for Detention shall be finally refused, or shall be rescinded, or if such Security as aforesaid shall be given, the said Money shall thereupon be refunded to the Person depositing the same; otherwise such Money shall be Security for all Damages and Costs that may be awarded in any such Action, Suit, or Proceeding.

Person giving Security to be Defendant.

VIII. In any Action, Suit, or other Proceeding in relation to such Claim the Person so giving Security, or (if such Security shall not be given) the Person making such Deposit as aforesaid, shall be made Defendant or Defender, and shall be stated to be the Owner of such Ship, and the Production of the Order of the Judge made in relation to such Security or Deposit shall be conclusive Evidence of the Liability of such Defendant or Defender to such Action, Suit, or other Proceeding in respect of any Damages and Costs that may be awarded.

Claimant to give Security for Costs;

IX. Any Person applying for an Order of Detention shall give Security to the Satisfaction of the Judge for the Costs and Expenses of and attending the Detention and Release of the Ship, and also on or before the Commencement of any such Action, Suit, or other

Proceeding for the Costs of the Defendant or Defender therein, and if the Plaintiff or Pursuer shall fail to recover therein he shall bear and pay all such Costs and Expenses; and if any such Plaintiff or Pursuer shall not recover the full Amount of his Claim it shall be in the Discretion of the Court or Judge before whom the Case shall be tried to deprive the Plaintiff or Pursuer of Costs, by a Certificate that there was not reasonable or probable Cause for the Claim.

If full Claim not recovered Court may deprive him of Costs.

X. Words and Expressions in this Act shall have the same Meaning and Import as the like Terms used in "The Merchant Shipping, Act 1854."

Interpretation.

Bills of Lading.

A

BILL

To amend the Law relating to Bills of Lading.

(*Prepared and brought in by Mr. Horsfall, Mr. Thomas Baring, Mr. Cairns, and Mr. William Brown.*)

Ordered, by The House of Commons, *to be Printed,* 16 *May* 1855.

[Bill 128.] *Under* 1 *oz.*

(No. 2.)

A

B I L L

TO

Amend the Law relating to Bills of Lading.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by the Custom of Merchants a Bill of Lading of Goods being transferable by Endorsement the Property in the Goods may thereby pass to the Endorsee, but nevertheless all Rights in respect of the Contract contained in the Bill of Lading continue in the original Shipper or Owner, and it is expedient that such Rights should pass with the Property: And whereas it frequently happens that the Goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the Hands of a bonâ fide Holder for Value should not be questioned by the Master or other Person signing the same on the Ground of the Goods not having been laden as aforesaid: And whereas it is expedient that Foreign Ships should be liable to Detention in respect of Claims upon Bills of Lading or Contracts relating to the Freight or Hire of such Vessels: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Consignee of Goods named in a Bill of Lading, and every Endorsee of a Bill of Lading to whom the Property in the Goods therein Rights under Bills of Lading to

vest in Consignee or Endorsee.

therein mentioned shall pass, upon or by reason of such Consignment or Endorsement, shall have all Rights of Suit and otherwise in respect of such Goods as if the Contract for the Carriage thereof had been made with himself.

Not to affect Right of Stoppage in transitu or Claims for Freight.

II. Nothing herein contained shall prejudice or affect any Right of Stoppage in transitu, or any Right to claim Freight against the original Shipper or Owner, or any Liability of the Consignee or Endorsee by reason or in consequence of his being such Consignee or Endorsee, or of his Receipt of the Goods by reason or in consequence of such Consignment or Endorsement.

Bill of Lading in Hands of Holder for Value to be conclusive Evidence of the Shipment as against Master; unless the Holder has Notice that the Goods are not on board:

III. Every Bill of Lading in the Hands of a Consignee or Endorsee for valuable Consideration representing Goods to have been shipped on board a Vessel shall be conclusive Evidence of such Shipment as against the Master or other Person signing the same, notwithstanding that such Goods or some Part thereof may not have been so shipped, unless such Holder of the Bill of Lading shall have had actual Notice at the Time of receiving the same that the Goods had not been in fact laden on board: Provided, that the Master or other Person so signing may exonerate himself in respect of such Misrepresentation by showing that it was caused without any Default on his Part, and wholly by the Fraud of the Shipper, or of the Holder, or some Person under whom the Holder claims.

Provided that the Master may show that the Misrepresentation was caused by Fraud of Shipper or Holder.

Power to detain Foreign Ship for Claim under Bill of Lading or Charter.

IV. Whenever any Person shall have any Claim for Debt or Damages against any Foreign Ship or the Owners thereof, arising upon or out of any Bill of Lading of Goods, or any Charter or Contract for or relating to the Freight or Hire of any such Ship, to be performed wholly or in part within the United Kingdom, if such Ship shall be found in any Port or River of the United Kingdom, or within *Three* Miles of the Coast thereof, it shall be lawful for the Judge of any Court of Record in the United Kingdom, or in Scotland the Court of Session, or the Sheriff of the County within whose Jurisdiction such Ship may be, upon the Existence of such Claim being shown by any Person applying summarily, to issue an Order directed to any Officer of Customs or other Officer named by such Judge requiring him to detain such Ship until such Time as the Owner, Master, or Consignee thereof has made satisfaction in respect of such Claim, or has given Security, to be approved by the Judge, to abide the Event of any Action, Suit, or other legal Proceeding that may be instituted in respect of such Claim, and to pay all Costs and Damages that may be awarded thereon, and any Officer of Customs or other Officer to whom such Order is directed shall detain such Ship accordingly.

V. In

Power of provisional Detention of Foreign Ship.

V. In any Case where it may appear that before any Application can be made under the foregoing Section such Foreign Ship will have departed beyond the Limits therein mentioned, it shall be lawful for any British Officer of Customs to detain such Ship until such Time as will allow such Application to be made and the Result thereof communicated to him, and no such Officer shall be liable for any Costs or Damages in respect of such Detention unless the same shall be proved to have been made by him without reasonable Grounds.

Power of Deposit to release Ship.

VI. It shall be lawful for any Owner, Master, or Consignee of a Ship detained under either of the Two preceding Sections in the meantime, until such Security as aforesaid can be given, at any Time within *Two* Days from such Detention, to deposit with the Collector or Chief Officer of Customs of the Port at or near to which the Ship shall be a Sum equal to the Amount of the Claim for which the Ship shall be detained, with *Twenty Pounds* for Costs; and thereupon the Ship shall forthwith be discharged from such Detention, and the Officer detaining the same is hereby required to discharge such Ship accordingly.

Disposal of Money deposited.

VII. The Money so deposited shall be subject to the Order of the Judge to whom Application shall be made for an Order of Detention, or, if such Action, Suit, or other Proceeding as aforesaid shall have been instituted in any Court, shall be subject to the Order of such Court, or of a Judge thereof; if an Order for Detention shall be finally refused, or shall be rescinded, or if such Security as aforesaid shall be given, the said Money shall thereupon be refunded to the Person depositing the same; otherwise such Money shall be Security for all Damages and Costs that may be awarded in any such Action, Suit, or Proceeding.

Person giving Security to be Defendant.

VIII. In any Action, Suit, or other Proceeding in relation to such Claim the Person so giving Security, or (if such Security shall not be given) the Person making such Deposit as aforesaid, shall be made Defendant or Defender, and shall be stated to be the Owner of such Ship, and the Production of the Order of the Judge made in relation to such Security or Deposit shall be conclusive Evidence of the Liability of such Defendant or Defender to such Action, Suit, or other Proceeding in respect of any Damages and Costs that may be awarded.

Claimant to give Security for Costs;

IX. Any Person applying for an Order of Detention shall give Security to the Satisfaction of the Judge for the Costs and Expenses of and attending the Detention and Release of the Ship, and also on or before the Commencement of any such Action, Suit, or other

Proceeding for the Costs of the Defendant or Defender therein, and if the Plaintiff or Pursuer shall fail to recover therein he shall bear and pay all such Costs and Expenses; and if any such Plaintiff or Pursuer shall not recover the full Amount of his Claim it shall be in the Discretion of the Court or Judge before whom the Case shall be tried to deprive the Plaintiff or Pursuer of Costs, by a Certificate that there was not reasonable or probable Cause for the Claim.

If full Claim not recovered Court may deprive him of Costs.

X. Words and Expressions in this Act shall have the same Meaning and Import as the like Terms used in "The Merchant Shipping, Act 1854."

Interpretation.

Bills of Lading.

(No. 2.)

A

B I L L

To amend the Law relating to Bills of Lading.

(Prepared and brought in by Mr. Horsfall, Mr. Thomas Baring, Mr. Cairns, and Mr. William Brown.)

Ordered, by The House of Commons, *to be Printed, 22 May* 1855.

[Bill 146.] *Under* 1 *oz.*

27 *June* 1855. 18 & 19 Vict.

A

BILL

TO

Regulate the Employment of Females and young Persons under Eighteen in Bleaching, Finishing, and Dyeing Works.

WHEREAS it is expedient to provide for the Regulation of the Employment of Females and young Persons under Eighteen Years of Age employed in Bleaching, Finishing, and Dyeing Works: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In citing this Act it shall be sufficient to cite it as "The "Bleachers Act, 1855." Short Title.

II Wherever they occur in this Act, the Words "Print Works Act, 1843," shall be taken to mean a Statute passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Twenty-nine, intituled "An Act to regulate the "Labour of Children, young Persons, and Women in Print Works;" the Words "Bleaching Work" shall be taken to mean any Field, Enclosure, Building, Shed, Drying Ground, Store Loft, Lapping Room, Lapping Loft, Dressing Shop, Bleaching Croft, Drying House, Clamping Room, Interpretation Clause.

Room, Beetling Place, Calendering Room, Mangling Room, or any other Premises or Place whatsoever, whether open, enclosed, or covered, used for the Purpose of carrying on the Occupation, Trade, or Business of a Bleacher, Dyer, or Finisher, or any Employment connected with such Trades or Businesses before mentioned, or any of them; the Word "Child" shall be taken to mean a Child under the Age of *Eleven* Years; the Words "young Person" shall be taken to mean a Person between the Age of *Eleven* and *Eighteen* Years; the Word "England" shall be taken to include England and Wales; the Words "Inspectors" and "Sub-Inspectors" shall mean the Inspectors and Sub-Inspectors of Factories herein-after appointed Inspectors and Sub-Inspectors for the Purpose of carrying out the Provisions of this Act; the Words "after Work" shall mean Work done after the Hours limited by this Act for the Employment of Females and young Persons; and any Part of such Bleaching Work may be taken to mean a Bleaching Work within the Meaning of this Act, but this Enactment shall not extend to any Part of such Premises used solely as a Dwelling House.

Inspectors of Factories to be Inspectors.

III. The Inspectors and Sub-Inspectors of Factories appointed or to be appointed by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act to regulate the Labour "of Children and young Persons in the Mills and Factories of the "United Kingdom," and of another Act passed in the Seventh Year of the Reign of Her Majesty, intituled, "An Act to amend the Laws "relating to Labour in Factories," shall respectively be Inspectors and Sub-Inspectors for carrying into effect the Powers, Authorities, and Provisions of this Act.

Children not to be employed.

IV. From and after the *First Day of February next* no Child shall be employed in any Bleaching Work in preparing, cleaning, scouring, bleaching, dyeing, finishing, calendering, mangling, dressing, embossing, or tambouring any woven Fabric, or Twist or Yarn, or in packing, making up, carrying, or conveying, or in aiding or assisting in any other Labour or Process connected with Bleaching, Dyeing, or Finishing: Provided nevertheless, that nothing herein-before enacted shall be held to prohibit Children under the Age of *Eleven* Years from being employed in any Manner aforesaid in the House of their Parents.

Young Persons not to be employed except within certain Hours.

V. From and after the said *First Day of February* the following shall be the Rules regulating the Employment of Females and young Persons in Bleaching Works; (that is to say,)

No Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid before the Hour of *Six* o'Clock in the Morning or after the Hour of *Six* o'Clock in the Evening;

Evening; and there shall in every Bleaching Work be allowed on each Working Day between these Hours an Interval of *One Half Hour* for Breakfast, and on every Working Day except Saturday an Interval of *One Hour* for Dinner, during which Intervals respectively no Female or young Person shall be employed in any of the Occupations aforesaid

Nor after Two on Saturday.

VI. On each and every Saturday no Female or young Person shall be employed in any Bleaching Work in any of the Occupations aforesaid after the Hour of *Two* o'Clock in the Afternoon.

Offences against this Act.

VII. Every Person employing or wilfully permitting to be employed any Female or young Person contrary to the Provisions of this Act, shall be deemed guilty of an Offence against this Act; and every Person wilfully omitting to do or perform anything enjoined by this Act shall be deemed guilty of an Offence against this Act.

Penalties for Offences.

VIII. Every Person guilty of any Offence against this Act for which no other Penalty is provided shall forfeit a Sum not less than *Two Pounds* and not exceeding *Ten Pounds*, to be applied as directed by the Forty-eighth Section of the Print Works Act, 1843, with reasonable Costs and Charges of the Inspector or Sub-Inspector, complaining thereof, the same to be recovered by Information or Complaint and summary Conviction before Two or more of Her Majesty's Justices of the Peace or other Magistrates, by whatever Name known, having Jurisdiction within the Place where the Offence was committed in the Manner herein-after mentioned.

Justices to hear Complaints.

IX. All Complaints of Offences against this Act shall be heard and determined in England, Ireland, and Scotland respectively by Two or more Justices in the Manner denoted by the Print Works Act, 1843, in the Case of Offences against that Act, and all Justices and Magistrates, by whatever Name known, and Magistrates of Burghs in Scotland shall in all respects exercise the same Jurisdiction and exercise the same Powers, both as to summoning Parties and Witnesses and to enforcing and levying Penalties in case of Conviction, as by the said Act they are empowered to do in the Case of Offences against that Act; and all the Provisions of the said Act regulating the Proceedings upon such Complaint, and the hearing and determining of same, and all other the Provisions and Directions relating to such Proceedings, whether before or after the Hearing, and the Forms of Summonses and Convictions directed by said Act, are hereby declared to be applicable to Proceedings against Persons for Offences under this Act.

Appeals may be brought.

X. All the Provisions of the said Act relating to Appeals against Convictions under it, shall in like Manner apply to Convictions under this Act.

Inspectors to institute Proceedings.

XI. With reference to Prosecutions or Proceedings to enforce Penalties for Offences against this Act, the Inspectors and Sub-Inspectors shall discharge all such Duties and take all such Proceedings and exercise all such Powers and Authorities, in preferring Complaints and in summoning Parties and Witnesses and otherwise, as by the said Act they are empowered and directed in the Case of Proceedings to enforce Penalties for Offences against the said Act.

Powers of Inspectors.

XII. For the Purpose of carrying out the Provisions of this Act the Inspectors and Sub-Inspectors shall exercise in, over, and in relation to Bleaching Works, and their Owners and Occupiers and Persons employed therein, all such Powers and Rights of Entry, Inspection, and Examination, and of inspecting Documents and calling for Information, and all other Rights, Powers, and Authorities as by the said Print Works, 1843, they are empowered to exercise in, over, and in relation to Print Works, and the Owners and Occupiers thereof and the Persons employed therein, as fully and effectually as if Bleaching Works had been mentioned along with Print Works in the said Acts.

Obstructing Inspectors an Offence.

XIII. All Persons wilfully obstructing the Inspectors or Sub-Inspectors in exercising any of the said Powers shall be deemed guilty of an Offence against this Act, and shall be subject in each Case respectively to the Penalties imposed by the said Print Works Act, 1843, for like Obstructions to the Inspectors or Sub-Inspectors in the Execution of the Powers given by that Act; and the Owner of any Bleaching Work in which an Inspector or Sub-Inspector shall be obstructed by any Attempt to prevent him from making a full and complete Examination of all Parts of the Bleaching Works, and of every Person employed therein, shall be liable to the Penalty provided by said Act in the Case of like Obstructions in Print Works.

This Act and Print Works Act to be read as One Act.

XIV. For the Purpose of the Provisions contained in the Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Clauses of this Act, the said Print Works Act and this Act shall be read and construed as One Act.

Parents to give Certificate of Age.

XVI. The Occupier of any Bleaching Work, before employing any young Person, shall take from the Parent or Guardian of such young Person a Certificate, stating the Age of such young Person, which Certificate shall be registered in some Register kept in the said Bleaching Work, and which shall be open at all Times to the Inspection of the Inspector and Sub-Inspector; and any Person employing any young Person without such Certificate shall be guilty of an Offence against this Act.

XVI. Any

False Certificate a Misdemeanor.

XVI. Any Parent or Guardian wilfully stating anything false in such Certificate shall be deemed guilty of a Misdemeanor, and on Conviction thereof shall be punished by Fine and Imprisonment at the Discretion of the Court before which such Conviction shall take place.

False Certificate not to protect Persons knowing it to be false.

XVII. No such Certificate shall protect any Person knowing the Person mentioned in such Certificate to be of an Age less than the Age mentioned therein from the Penalties imposed for the Employment or conniving at the Employment of any Person contrary to the Provisions of this Act.

Registers to be kept.

XVIII. A Register shall be kept in every Bleaching Work by the Occupier thereof, in accordance with the Directions as to Registers in Print Works contained in the said Print Works Act, 1843, and the Schedule to said Act annexed.

If Two Hours allowed for Meals, Hours of Employment extended.

XIX. If in any Bleaching Work upon any Working Day except Saturday *Two* Hours shall be allowed for Meals, then and in that Case it shall and may be lawful to employ young Persons and Females until the Hour of *Half-past Six* in the Evening, anything hereinbefore contained to the contrary notwithstanding.

Special Notice to be given in such Case.

XX. Provided always, That the last Section shall not apply to any Bleaching Work, or protect the Occupier thereof or any other Person from any Penalty imposed by the former Provisions of this Act for employing young Persons or Females after *Six* o'Clock, unless the Occupier thereof shall have given Notice to the Inspector that the Time allowed for Meals in such Bleaching Works is *Two* Hours; and from and after the Service of such Notice, and until same is withdrawn, the Allowance of a shorter Time than *Two* Hours for Meals in such Bleaching Works on any Day except Saturday shall be deemed an Offence against this Act; and upon the Withdrawal of such Notice by Notice in Writing to the Inspector, the Force and Effect of such First Notice shall altogether cease.

After-work to be lawful in Cases of Necessity.

XXI. Whereas, in the Process of bleaching Yarn, Linen, and other Fabrics in the open Air, it sometimes happens that, owing to sudden Emergencies arising from the State of the Weather, it is necessary to employ all the available Labour in the Bleaching Work in Occupation connected with Out-door Bleaching to prevent Injury to the Goods the Subject of such Process or Loss of the same: Be it enacted, That in any Case in which any young Person or Female hall be employed after the Hours appointed by this Act in any Out-door Occupation rendered necessary for the Preservation of any

Goods by reason of any unexpected Change in the Weather, or any other sudden Emergency causing Risk of Damage to the Texture of said Goods, upon Proof of the Necessity of so employing them, such Employment shall not be deemed to be an Offence against this Act.

Entry to be made of such After work.

XXII. Provided always, That in every Case in which any young Persons or Females shall be employed in After-hours, as mentioned in the last Section, the Fact of such Employment shall be entered by the Occupier of the Bleaching Work in a Book to be kept for that Purpose, together with the Reason of such Employment, the Time during which it lasted, and all other Particulars connected therewith, and Notice shall on the following Day be given to the Inspector of the Fact of such Employment having occurred; and in default of such Entry or Notice, or either, the last Section shall not be available to protect any Person from the Penalties herein-before imposed for working after Hours.

Limit of Hours of Labour in One Week or Day.

XXIII. Except in the Case of such unavoidable Necessity as is herein-before provided, no Female or young Person shall be actually employed in any Bleaching Work in any of the Occupations mentioned in this Act more than *Ten Hours and a Half* in any One Day, or more than *Sixty* Hours in any One Week.

Person setting up Defence of Necessity to give Evidence of Proof.

XXIV. At the Hearing of any Complaint or Prosecution for employing any Female or young Person contrary to the Provisions of this Act, and in which the Defence shall be set up that such Employment arose from such unavoidable Necessity as herein-before stated, the Onus shall lie upon the accused Party to show that such Employment is within the Protection given by the Provisions of the Twenty-first and Twenty-second Clauses of this Act.

Notice of Firm, &c. to be given.

XXV. Every Person carrying on Business at any Bleaching Work shall, within *One Month* after the First Day of January next, or within *One Month* after beginning to carry on such Business, send a written Notice addressed to the Office of the Factory Inspector, London, containing the Name of such Bleaching Work, together with the Place, Township or Parish, and County where the same is situated, the Post Town to which he desires his Letters to be addressed, the Nature of the Work, and the Name of the Firm under which such Business is or is to be carried on.

Penalty for forging Certificate or writing or using false one.

XXVI. Every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by or by virtue of this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at making any false

counter-

counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by or by virtue of this Act, and also every Person convicted of wilfully making and signing a false Declaration in any Proceedings under this Act, shall be liable on summary Conviction to a Penalty of not less than *Five Pounds* and not more than *Twenty Pounds*, or to be imprisoned for any Time not exceeding *Six* Calendar Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Justices may exercise Powers of certain Acts.

XXVII. In any Proceeding for a summary Conviction under this Act, the Justices in England hearing and determining the same may exercise all the Powers conferred upon Justices by the Statute passed in the Session held in the Eleventh and Twelfth Years of the Reign of the Queen, intituled "An Act to facilitate the Performance of the "Duties of Justices of the Peace out of Sessions within England and "Wales with respect to summary Convictions and Orders," and may, if they think fit, proceed according to the Forms and Directions of the said Act; and in like Manner the Justices in Ireland may exercise the Powers and, if they think fit, proceed according to the Form of an Act passed in the Session held in the Fourteenth and Fifteenth Years of the Reign of the Queen, intituled "The Summary Jurisdiction Act, 1851."

Limitation of Time for Prosecutions.

XXVIII. All Complaints for Offences against this Act shall be preferred within *Three* Months after the Commission of the Offence, except in the Case of Offences punishable at Discretion by Fine or Imprisonment, in which Case the Complaints may be preferred within *Twelve* Months next after the Commission of the Offence.

Bleaching, &c. Works.

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B I L L

To regulate the Employment of Females and young Persons under Eighteen in Bleaching, Finishing, and Dyeing Works.

(*Prepared and brought in by Mr. Isaac Butt, Lord John Manners, Viscount Goderich, and Mr. Crook.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1855.

[Bill 201.]

Under 1 *oz.*

18 *May* 1855. 18 Vict.

A

BILL

TO

Confirm the Incorporation of the Borough of Brighton.

WHEREAS since the passing of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to provide for the Regulation "of Municipal Corporations in England and Wales," a Charter of Incorporation has been granted to the Borough of Brighton in pursuance of the Provisions of the said Act, and of the Acts afterwards passed for amending the said Act: And whereas Doubts have arisen respecting the Validity of the said Charter, and the Right of the Mayor of the said Borough of Brighton to be the Returning Officer at the Elections of Members to serve in Parliament for the Borough of Brighton; and it is expedient that such Doubts be removed: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

I. That the said Charter of Incorporation, and also the Grant of separate Courts of Sessions of the Peace, issued and granted to the said Borough, and all Acts and Proceedings done or had in pursuance thereof before the passing of this Act, shall be deemed good Charter of Incorporation confirmed.

and

and lawful from the Time of the Grants, Acts, and Proceedings respectively.

The Mayor to be the Returning Officer.

II. The Mayor of the said Borough shall be the Returning Officer for the Borough of Brighton at all Elections of Members to serve in Parliament for the Borough of Brighton: Provided, that in case the Mayor shall, at the Time when he shall be required to perform the Duties of such Returning Officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no Mayor, the Council of such Borough shall forthwith elect One of the Aldermen to be the Returning Officer for the Borough in the Place of the Mayor being so dead, absent, or otherwise incapable of acting.

Brighton Incorporation.

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BILL

To confirm the Incorporation of the Borough of Brighton.

(*Prepared and brought in by Sir George Brooke Pechell and Lord Alfred Hervey.*)

Ordered, by The House of Commons, *to be Printed,* 18 *May* 1855.

[Bill 140.]

Under 1 *oz.*

15 *March* 1855. 18 Vict.

(Scotland.)

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BILL

TO

Amend the Laws concerning the Burial of the Dead in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Burial Grounds (Scotland) Act, 1855."

Parochial Board for Execution of this Act.

II. In the Execution of this Act, "Parochial Board" shall be held to signify the Parochial Board for the Management of the Poor in all Parishes which are not combined for such Management, and in Parishes which are so combined the Parochial Board under this Act shall signify and be composed of such Members of the combined Board as are assessed for Relief of the Poor either in respect of Occupancy or Ownership within each Parish respectively; and the Manner of holding and of transacting Business at Meetings of Parochial Boards under this Act shall be similar to the Manner in use in respect of the Management of the Poor.

On Representation of Secretary of State, Her Majesty in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

III. It shall be lawful for Her Majesty, by Order in Council, upon the Representation of One of Her Principal Secretaries of State, to order that no new Burial Ground shall be opened in any Burgh in Scotland, or within certain Limits specified in such Order, save with the previous Approval of One of such Secretaries of State, or (as the Case may require) that after a Time mentioned in the Order, Burials in such Burgh, or within such Limits, or in certain Burial Grounds or Places of Burial, shall be discontinued wholly, or subject to any Exceptions or Qualifications mentioned in such Order, and such Order in Council shall thereupon have like Force and Effect as if the same were embodied in this Act: Provided always, that Notice of such Representation, and of the Time it shall please Her Majesty to order the same to be taken into Consideration by the Privy Council, shall be published in the Edinburgh Gazette, and shall be fixed on the Doors of the Church of, or on some other conspicuous Places within, the Parishes affected by such Representation *One Month* before such Representation is so considered.

Penalties.

IV. Every Person who shall, after the Time mentioned in such Order in Council, bury any Body, or in anywise act or assist in or permit the Burial of any Body in any way contrary to such Order, shall be liable for each such Offence to be imprisoned for any Period not exceeding *Two Calendar Months*, or to pay a Penalty not exceeding *Twenty Pounds*.

Order not to extend to Burial Grounds of Quakers or Jews, unless expressly included; or to Cemeteries established by Act of Parliament, or new Burial Grounds, &c.

V. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, or of the Persons of the Jewish Persuasion, used solely for the Burial of the Bodies of such People and Persons respectively, unless the same be expressly mentioned in such Order; or shall be deemed to extend to any Non-parochial Burial Ground being the Property of any private Person, unless the same be expressly mentioned in such Order; or shall apply to any Cemetery established under the Authority of any Act of Parliament, or any Burial Ground or Cemetery to be hereafter provided with the Approval of One of Her Majesty's Principal Secretaries of State, as herein mentioned.

Saving of certain Rights to bury in Vaults, &c.

VI. Provided always, That notwithstanding any such Order in Council, where at the Time of the passing of this Act any Person shall be entitled to any Right of Interment in or under any Church or Chapel or within any Churchyard or Burial Ground affected by such Order, it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right will not be injurious to

Health

Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as such Secretary of State may think fit, but such Licence shall be revocable at any Time, and shall not give to the Holder of such Right, or to any other Party, any other Power than he would have had if this Act had not been passed.

Upon Requisition of Ratepayers or Members of Parochial Board, Meeting of Parochial Board to be convened to determine whether Burial Ground shall be provided.

VII. Upon the Requisition in Writing of *Ten* or more Persons assessed for Relief of the Poor of any Parish, or upon the Requisition in Writing of any *Two* or more Members of the Parochial Board of any Parish, a Special Meeting of the Parochial Board of such Parish shall be convened by the Inspector of the Poor within such Parish for the Purpose of determining whether a Burial Ground shall be provided under this Act for the Parish; and if a Majority of such Meeting of the Parochial Board shall resolve that a Burial Ground shall be provided under this Act for the Parish, a Copy of such Resolution, extracted from the Minutes of the Parochial Board, and signed by the Preses of the Meeting, shall be sent to One of Her Majesty's Principal Secretaries of State.

Board to provide a Burial Ground, which may be within or without the Parish.

VIII. The Parochial Board shall thereupon, with all convenient Speed, proceed to provide a suitable and convenient Burial Ground for the Parish, and to make Arrangements for facilitating Interments therein; and any such Burial Ground may be provided either within or without the Limits of the Parish for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than *Two hundred* Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may purchase Land of Cemeteries

IX. For the providing such Burial Ground it shall be lawful for the Parochial Board of the Parish to contract for and purchase any Lands for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries, or Part or Parts thereof, subject to the Rights in Vaults and Graves, and other subsisting Rights, which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the

Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish.

Certain Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

X. "The Lands Clauses Consolidation (Scotland) Act, 1845," except the Provisions of that Act "with respect to the Purchase "and taking of Lands otherwise than by Agreement," and "with "respect to the Provisions to be made for affording Access to the "Special Act by all Parties interested," shall be incorporated with this Act; and, for the Purposes of this Act, the Expression "the "Promoters of the Undertaking," wherever used in the said "Lands "Clauses Consolidation (Scotland) Act, 1845," shall mean any Parochial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the "Undertaking under the Provisions of this or the Special Act, or "any Act incorporated therewith, but which shall not be required "for the Purposes thereof," shall be held to apply only to such Lands or Portions thereof in which no Burial shall have taken place, and such Provisions shall not be restricted in operation to any fixed Period after the Purchase of such Lands.

Parochial Boards may concur in providing a Burial Ground for the common Use of their Parishes.

XI. The Parochial Boards of any Parishes which shall have respectively resolved to provide Burial Grounds under this Act may concur in providing One Burial Ground for the common Use of such Parishes, in such Manner, not inconsistent with the Provisions of this Act, as they shall mutually agree on, and may agree as to the Proportions in which the Expenses of such Burial Ground shall be borne by such Parishes; and the Proportion of each of such Parishes of such Expenses shall be raised by Assessments in manner after mentioned; and, according and subject to the Terms which shall have been so agreed on, the Parochial Boards for such Parishes respectively shall, for the Purpose of providing and managing such One Burial Ground, and taking and holding Land for the same, act as One joint Board for all such Parishes, and may have a joint Office, Clerk, and Offices, and all the Provisions of this Act shall apply to such joint Board accordingly.

Burial Ground to be the Burial Ground of the Parish or Parishes for which it is provided.

XII. When any Burial Ground shall have been provided in Terms of this Act, such Burial Ground shall, from and after such Time as the Sheriff of the County shall appoint, be deemed the Burial Ground, or Part thereof, of the Parish for which the same is provided, and where the same is provided for Two or more Parishes such Burial Ground shall be in Law as if such Parishes were One Parish, and as if such Burial Ground were the Burial Ground of such One Parish; and the Parishioners and Inhabitants of such Parish, or of each of such Parishes, shall have the same Rights of Sepulture in such Burial Ground

Ground as they respectively would have had in the Burial Ground or Burial Grounds in and for their respective Parish, subject to the Provisions herein contained

Management to be vested in Burial Boards.

XIII. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Parochial Boards providing the same.

Board may sell exclusive Rights of Burial, and Right to erect Monuments, &c.

XIV. Any Parochial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Part of any Burial Ground provided by such Board, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XV. Any Parochial Board may make such Arrangements as they may from Time to Time think fit for facilitating the Conveyance of the Bodies of the Dead from the Parish or the Place of Death to the Burial Ground which shall be provided under this Act, or to any other Place of Burial, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations as aforesaid.

Places may be provided for Reception of Bodies until Interment.

XVI. It shall be lawful for any Parochial Board, and subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take on Lease, or otherwise to provide fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places, such Burial Boards may exercise the Powers vested in them under this Act for providing Burial Grounds.

Secretary of State may make Regulation as to Burial Grounds, &c.

XVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State, from Time to Time, to make such Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act, as to him may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and the Parochial Boards and all other Persons having the care of such Burial Grounds and

Places for the Reception of Bodies shall conform to and obey such Regulations.

Board may lay out and embellish Burial Ground.

XVIII. It shall be lawful for any Parochial Board to enclose, lay out, and embellish any Burial Ground provided by such Board in such Manner as may be fitting and proper.

Board to fix Payments for Interments in Burial Ground.

XIX. Every Parochial Board under this Act shall fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and every Parochial Board may from Time to Time revise and alter such Fees and Payments, and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XX. The Provisions of "the Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act, and "the Company" in these Clauses shall signify the Parochial Board under this Act.

Expenses to be paid by Assessments.

XXI. The Expenses incurred by the Parochial Board of any Parish in carrying this Act into execution shall be raised by Assessment: whereof *One Half* shall be paid by Owners and the *other Half* by Occupiers of Lands and Heritages within the Parish, and the Parochial Board shall have like Powers for the levying of such Assessments as Parochial Boards have for the levying of Assessments for the Relief of the Poor.

Power to borrow Money.

XXII. Provided always, That it shall be lawful for the Parochial Board to borrow any Money required for providing and laying out any Burial Ground under this Act, and to charge the future Assessment under this Act with the Payment of such Money and Interest thereon; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than *One Twentieth* of the Principal Sum borrowed, until the whole is discharged.

The Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXIII. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "To authorize for a "further Period the Advance of Money out of the Consolidated "Fund to a limited Amount for carrying on Public Works and Fish-"eries and Employment of the Poor," and any Act or Acts amending

or

or continuing the same, may from Time to Time make to the Parochial Board of any Parish for the Purposes of this Act any Loan under the Provisions of the recited Act, or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Parish.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts which shall be open to Inspection.

XXIV. Minutes of all Proceedings of the Parochial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept, and the Parochial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred, and all such Books shall at all reasonable Times be open to the Examination of every Member of the Parochial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books, or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXV. The Parochial Board may appoint and may remove, at pleasure, a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of and for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting their Business.

Register of Burials to be kept in every Ground provided under this Act.

Entries to be Evidence.

XXVI. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Parochial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to that Duty; and in such Register Books shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Books) are buried; and in case such Burial Ground has been provided for more than one Parish, such Register shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies from the several Parishes; and such Register Books, or Copies or Extracts purporting to be thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Burial Grounds.

(Scotland.)

A

BILL

To amend the Laws concerning the Burial of the Dead in Scotland.

(Prepared and brought in by
The Lord Advocate and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1855.

Bill 58.]

Under 1 *oz.*

7 *May* 1855. 18 VICT.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws concerning the Burial of the Dead in Scotland.

[Note.—*The Clauses* A., B., C., *and* D. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Burial Grounds (Scotland) Act, 1855."

Parochial Board for Execution of this Act.

II. In the Execution of this Act in Parishes not within the Limits, prescribed or established under the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act for the Valuation of Lands and Heritages in Scotland," of any Burgh sending or contributing to send a Member to Parliament, "Parochial Board" shall be held to signify the Parochial Board for the Management of the Poor, where such Parishes are not combined for such Management, and where such Parishes are so combined the Parochial Board under this Act shall signify and be composed of such Members of the combined Board as are assessed for Relief of the Poor either in respect

of Occupancy or Ownership within each Parish respectively; and the Manner of holding and of transacting Business at Meetings of such Parochial Boards under this Act shall be similar to the Manner in use in respect of the Management of the Poor; and in Parishes within the aforesaid Limits of any Burgh aforesaid the Town Council of the Burgh shall be held to be the Parochial Board of such Parish under this Act.

CLAUSE A. Provision as to Parishes partly burghal.

Where any Parish is partly within and partly without the Limits of such Burgh aforesaid, it shall be lawful for the Sheriff of the County within which such Parish or the greater Part thereof is situated, on Application to him by any Two Members of the Parochial Board of such Parish, or by any Ten Persons assessed for Relief of the Poor within such Parish, or by any Two or more Householders residing within One hundred Yards of any Burial Ground or proposed Burial Ground within such Parish, and on giving Notice by Advertisement in the Edinburgh Gazette and such Newspapers of local Circulation as he may deem fitting, and hearing any Parties having Interest, to determine whether such Parish shall be held to be a Parish within or without the Limits of the said Burgh for the Purposes of this Act, and an Interlocutor so determining shall receive Effect and be as valid as if the same was set forth in this Act; and it shall not be competent to make any new Application to the Sheriff for his Determination in respect to such Parish till after the Lapse of Five Years from the Date of his last Determination respecting the same.

CLAUSE B. Proceedings on Complaints of Danger to Health.

It shall be lawful for any Two Members of the Parochial Board of any Parish in Scotland, or for any Ten Persons assessed for Relief of the Poor within such Parish, or for any Two Householders residing within One hundred Yards of any Burial Ground or proposed Burial Ground, to present a Petition to the Sheriff of the County within which such Burial Ground or proposed Burial Ground is situated, setting forth that a Burial Ground within such Parish or such Distance is or would be dangerous to Health, or offensive or contrary to Decency, and the Sheriff shall thereupon fix a Day, being not less than Ten nor more than Twenty Days after such Petition is presented, for inquiring into the Allegations contained therein, and shall appoint Intimation thereof to be made by Advertisement in the Edinburgh Gazette and in such Newspapers of local Circulation as he shall deem fitting, and on hearing the Petition shall permit all Parties whom he shall judge to have an Interest to appear and be heard in such Manner as he shall deem fitting, and if on such Hearing he shall be of opinion that any of the aforesaid Allegations are true, he shall pronounce an Interlocutor to such Effect, and shall transmit a Copy

a Copy thereof to One of Her Majesty s Principal Secretaries of State: Provided that it shall not be competent to present any such Petition to the Sheriff, except with Concurrence of the Procurator Fiscal, till after the Lapse of Five Years from the Date of any Petition to the like Effect having been dismissed.

On Representation of Secretary of State, Her Majesty in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

III. It shall be lawful for Her Majesty, from Time to Time, by Order in Council, upon the Representation of One of Her Principal Secretaries of State that a Copy of such Interlocutor of a Sheriff has been received by him, in pursuance thereof to order that no new Burial Ground shall be opened within certain Limits specified in such Order, save with the previous Approval of One of such Secretaries of State, or (as the Case may require) that after a Time mentioned in the Order Burials within certain Limits, or in certain Burial Grounds or Places of Burial, shall be discontinued wholly, or subject to any Exceptions or Qualifications mentioned in such Order, and such Order in Council shall thereupon have like Force and Effect as if the same were embodied in this Act: Provided always, that Notice of such Representation, and of the Time it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the Edinburgh Gazette, and shall be fixed on the Doors of the Church of or on some other conspicuous Places within the Parishes affected by such Representation, One Month before such Representation is so considered.

Penalties.

IV. Every Person who shall after the Time mentioned in such Order in Council bury any Body, or in anywise act or assist in or permit the Burial of any Body, in any way contrary to such Order, shall be liable for each such Offence to be imprisoned for any Period not exceeding Two Calendar Months, or to pay a Penalty not exceeding Twenty Pounds.

Order not to extend to Burial Grounds of Quakers or Jews, unless expressly included.

V. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, or of the Persons of the Jewish Persuasion, used solely for the Burial of the Bodies of such People and Persons respectively, unless the same be expressly mentioned in such Order, or shall be deemed to extend to any Non-parochial Burial Ground, being the Property of any private Person, unless the same be expressly mentioned in such Order.

Saving of certain Rights to bury in Vaults, &c.

VI. Provided always, That, notwithstanding any such Order in Council, where at the Time of the passing of this Act any Person shall be entitled to any Right of Interment in or under any Church or Chapel or within any Churchyard or Burial Ground affected by such Order, it shall be lawful for One of Her Majesty's Principal Secretaries of

State, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as such Secretary of State may think fit, but such Licence shall be revocable at any Time, and shall not give to the Holder of such Right, or to any other Party, any other Power than he would have had if this Act had not been passed.

Upon Requisition of Ratepayers or Members of Parochial Board, Meeting of Parochial Board to be convened, to determine whether Burial Ground shall be provided.

VII. Although no Burial Ground in the Parish has been closed by Order in Council, the Inspector of the Poor of any Parish not within Burgh, and the Town Clerk in the Case of any Parish within Burgh, shall be bound, upon the Requisition in Writing of Ten or more Persons assessed for Relief of the Poor of the Parish, or upon the Requisition in Writing of any Two or more Members of the Parochial Board of the Parish, to convene a Special Meeting of the Parochial Board of such Parish, for the Purpose of determining whether a Burial Ground shall be provided under this Act for the Parish; and if a Majority of such Meeting of the Parochial Board shall resolve that a Burial Ground shall be provided under this Act for the Parish, such new Burial Ground shall be provided in the same Manner as if an old Burial Ground had been closed by Order in Council.

Board to provide a Burial Ground: and Sheriff to designate Land.

VIII. Whenever any Parochial Burial Ground shall have been closed by Order in Council, the Parochial Board shall forthwith proceed to provide a suitable and convenient Burial Ground for the Parish, and to make Arrangements for facilitating Interments therein; and in the event of a suitable Burial Ground not being provided by the Parochial Board within Six Months after such Requisition as aforesaid, it shall be lawful for such Board, or for any Ten or more Persons assessed for Relief of the Poor in the Parish, or any Two or more Members of the Parochial Board, to apply by summary Petition to the Sheriff to have a suitable Portion of Land designated for the Purpose of a Burial Ground; and the Sheriff, after such Inquiry and Intimation as he may deem proper, and hearing any Parties having Interest who may appear to oppose such Petition, shall thereupon proceed to designate and set apart such Portion as he may deem necessary of any Lands suitable for the Purpose, not being Part of any Policy, Pleasure Ground, or Garden attached to any Dwelling House: Provided always, that due Intimation shall have been given of not less than Ten Days to the Owner of such Lands, that he may be heard for his Interest before such Designation is actually made; and provided also, that no Land shall be so designated nearer than One hundred Yards to any Dwelling House without the Consent in Writing of the Owner of such Dwelling House; and on such Land being

being so designated the Parochial Board shall proceed to acquire the same in manner herein-after provided.

Consent of Owners of Houses to new Burial Grounds, where necessary.

IX. Any Burial Ground may be provided under this Act either within or without the Limits of the Parish for which the same is provided; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than One hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

X. For the providing such Burial Ground, it shall be lawful for the Parochial Board of the Parish to contract for and purchase or take any Lands for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries, or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Parochial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish.

Certain Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

XI. "The Lands Clauses Consolidation (Scotland) Act, 1845," except the Provisions of that Act "with respect to the Provisions "to be made for affording Access to the Special Act by all Parties "interested," shall be incorporated with this Act; and, for the Purposes of this Act, the Expression "the Promoters of the Undertaking," wherever used in the said "Lands Clauses' Consolidation (Scotland) Act, 1845," shall mean any Parochial Board under this Act: Provided always, that the Provisions in the said Act "with "respect to the Purchase and taking of Lands otherwise than by "Agreement" shall have Effect only in respect of such Lands as the Sheriff of the County shall have designated as fitting for a Burial Ground in manner aforesaid: Provided further, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the "Undertaking under the Provisions of this or the Special Act, or "any Act incorporated therewith, but which shall not be required "for the Purposes thereof," shall be held to apply only to such Lands or Portions thereof in which no Burial shall have taken place, and such Provisions shall not be restricted in operation to any fixed Period after the Purchase of such Lands.

Parochial Boards may concur in providing a Burial Ground for the common Use of their Parishes.

XII. The Parochial Boards of any Parishes which shall have respectively resolved to provide Burial Grounds under this Act may concur in providing One Burial Ground for the common Use of such Parishes, in such Manner, not inconsistent with the Provisions of this Act, as they shall mutually agree on, and may agree as to the Proportions in which the Expenses of such Burial Ground shall be borne by such Parishes; and the Proportion of each of such Parishes of such Expenses shall be raised by Assessments in manner after mentioned; and, according and subject to the Terms which shall have been so agreed on, the Parochial Boards for such Parishes respectively shall, for the Purpose of providing and managing such One Burial Ground, and taking and holding Land for the same, act as One joint Board for all such Parishes, and may have a joint Office, Clerk, and Offices, and all the Provisions of this Act shall apply to such joint Board accordingly.

Burial Ground to be the Burial Ground of the Parish or Parishes for which it is provided.

XIII. When any Burial Ground shall have been provided in Terms of this Act, such Burial Ground shall, from and after such Time as the Sheriff of the County shall appoint, be deemed the Burial Ground, or Part thereof, of the Parish for which the same is provided; and where the same is provided for Two or more Parishes such Burial Ground shall be in Law as if such Parishes were One Parish, and as if such Burial Ground were the Burial Ground of such One Parish; and the Parishioners and Inhabitants of such Parish, or of each of such Parishes, shall have the same Rights of Sepulture in such Burial Ground as they respectively would have had in the Burial Ground or Burial Grounds in and for their respective Parish, subject to the Provisions herein contained.

Management to be vested in Burial Boards.

XIV. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Parochial Boards providing the same.

Board may sell exclusive Rights of Burial, and Right to erect Monuments, &c.

XV. Any Parochial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Part of any Burial Ground provided by such Board, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground.

Boards may make Arrangements

XVI. Any Parochial Board may make such Arrangements as they may from Time to Time think fit for facilitating the Conveyance of the

the Bodies of the Dead from the Parish or the Place of Death to the Burial Ground which shall be provided under this Act, or to any other Place of Burial, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations as aforesaid.

for facilitating the Conveyance of Bodies to Burial Grounds.

XVII. It shall be lawful for any Parochial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take on Lease, or otherwise to provide fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein, and for providing such Places such Boards may exercise the Powers vested in them under this Act for providing Burial Grounds.

Places may be provided for Reception of Bodies until Interment.

XVIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State, from Time to Time, to make such Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act, as to him may seem proper for the Protection of the Public Health and the Maintenance of Public Decency; and the Parochial Boards and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies shall conform to and obey such Regulations.

Secretary of State may make Regulations as to Burial Grounds, &c.

No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable in any Toll or Pontage.

Clause C. Exemption of Burials from Toll.

XIX. It shall be lawful for any Parochial Board to enclose, lay out, and embellish any Burial Ground provided by such Board in such Manner as may be fitting and proper.

Board may lay out and embellish Burial Ground.

XX. Every Parochial Board under this Act shall fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and every Parochial Board may from Time to Time revise and alter such Fees and Payments, and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Board to fix Payments for Interments in Burial Ground.

XXI. The Provisions of "The Cemeteries' Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with

Certain Provisions of 10 & 11 Vict.

c. 65. incorporated with this Act.

with this Act, and be applicable to any Burial Ground provided under this Act, and "the Company" in these Clauses shall signify the Parochial Board under this Act.

Expenses to be paid by Assessments.

XXII. The Expenses incurred by the Parochial Board of any Parish in carrying this Act into execution, in so far as the Sums received for exclusive Right of Burial or as Fees or other Payments in respect of Interments shall be insufficient, shall be raised by Assessment, whereof one Half shall be paid by Owners, and the other Half by Occupiers of Lands and Heritages within the Parish; and the Parochial Board shall have like Powers for the levying of such Assessments as Parochial Boards have for the levying of Assessments for the Relief of the Poor.

Power to borrow Money.

XXIII. Provided always, That it shall be lawful for the Parochial Board to borrow any Money required for providing and laying out any Burial Ground under this Act, and to charge the future Assessments under this Act with the Payment of such Money and Interest thereon: Provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

The Public Works' Loan Commissioners may advance Money for the Purposes of this Act.

XXIV. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Year of Her Majesty, Chapter Twenty-three, "to authorize for a "further Period the Advance of Money out of the Consolidated "Fund to a limited Amount for carrying on Public Works and Fish-"eries and Employment of the Poor," and any Act or Acts amending or continuing the same, may from Time to Time make to the Parochial Board of any Parish, for the Purposes of this Act, any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Parish.

Minutes of Proceedings of Board to be entered in a Book.

XXV. Minutes of all Proceedings of the Parochial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Parochial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act in the Parish, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Parochial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board to keep Accounts, which shall be open to Inspection.

XXVI. The

Board may appoint and remove Officers, &c.

XXVI. The Parochial Board may appoint and may remove, at pleasure, a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of and for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting their Business.

Register of Burials to be kept in every Ground provided under this Act.

Entries to be Evidence.

XXVII. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Parochial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to that Duty; and in such Register Books shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Books) are buried; and in case such Burial Ground has been provided for more than One Parish, such Register shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies from the several Parishes; and such Register Books, or Copies or Extracts purporting to be thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Clause D. Sheriffs' Decisions to be final.

No Interlocutor or Deliverance of a Sheriff under this Act shall be in any way subject to Review, or to be set aside by reason of any Defect of Form therein or in the Procedure on which it followed.

Burial Grounds.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws concerning the Burial of the Dead in Scotland.

(Prepared and brought in by The Lord Advocate and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 7 *May* 1855.

[Bill 110.]

Under 1 *oz.*

28 *June* 1855. 18 & 19 Vict.

A

BILL

TO

Amend the Law regarding the Burial of poor Persons by Guardians and Overseers of the Poor.

WHEREAS by the Act of the Eighth Year of the Reign of Her Majesty, Chapter One hundred and one, Provisions were made for the Burial of poor Persons by Guardians and Overseers of the Poor: And whereas, in consequence of the closing of the Burial Grounds in many Parishes and the Want of adequate Space in others, great Difficulty is frequently found in carrying into execution the above Provisions, and it is expedient that other Provisions should be made: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble. 7 & 8 Vict. c. 101. s. 31.

I. That where the Guardians of any Union or Parish, or any of their Officers duly authorized in that Behalf, or the Overseers of any Parish not under a Board of Guardians, shall undertake the Burial of any poor Person, or shall contribute Money or other Aid towards the same, and the Burial cannot take place in the Parish where, according to the Provisions of the said Act, the same would have been required

Where Burial Ground of Parish closed or overcrowded, Guardians or Overseers may bury in neighbouring Parish.

required to take place, by reason of the public Burial Ground of such Parish having been closed, and no other having been provided, or where, in consequence of the crowded State of such Burial Ground, the Guardians or Overseers respectively are of opinion that the Burial of such dead Body therein would be improper, it shall be lawful to bury such Body in a public Burial Ground of or in some other Parish as near as conveniently may be to the Parish wherein the Burial would have been required to take place according to the Provisions of the said Act: Provided, that in all Cases of Burial under the Direction of the Guardians or their Officers, or of the Overseers, as aforesaid, the Fee or Fees payable by the Custom of the Place where the Burial may be, or under the Provisions of any Act of Parliament, shall be paid by the said Guardians or Overseers for the Burial of each such Body to the Person or Persons who by such Custom or under such Act of Parliament shall be entitled to receive such Fee or Fees.

Power to enter into Agreements with Cemetery Company or Burial Board.

II. The Guardians of any Union or Parish, or the Overseers of any Parish not under a Board of Guardians, may from Time to Time enter into Agreements with any Cemetery Company established by legal Authority, or with any Burial Board duly constituted under the Statutes in that Behalf, for the Burial of the dead Bodies of any poor Persons which such Guardians or Overseers may undertake to bury, or towards the Burial whereof they may render Assistance; and thereupon the Burial of any such Body, under the Directions of the said Guardians or their Officer, or of such Overseers, or with their Aid respectively, in the Cemetery belonging to such Cemetery Company, or in the Burial Ground of such Burial Board, (unless the deceased Person, or the Husband or Wife or next of Kin of such deceased Person, have otherwise expressly desired,) shall be lawful: Provided, however, that no such Agreement shall be valid unless made in such Form and with such Stipulations as the Poor Law Board shall approve.

Construction of Words. 4 & 5 W. 4. c. 76. s. 109.

III. The Words contained in this Act shall be construed in like Manner as in the Act of the Fifth Year of King William the Fourth, Chapter Seventy-six, and in the several Acts incorporated therewith.

Burial of Poor Persons.

A

B I L L

To amend the Law regarding the Burial of poor Persons by Guardians and Overseers of the Poor.

(*Prepared and brought in by Mr. Baines and Mr. Grenville Berkeley.*)

Ordered, by The House of Commons, *to be Printed,* 28 *June* 1855.

[Bill 204.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

[Note.—The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws "concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the "Dead in England beyond the Limits of the Metropolis, and to "amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the last Session of Parliament (Chapter Eighty-seven), "to make further Provisions for the Burial of the Dead "in England beyond the Limits of the Metropolis:" And whereas it is expedient that further Provision should be made for the Burial of the Dead, and that the said Acts should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87.

Orders in Council under the Acts may be varied by like Orders.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order of Her Majesty in Council made before the passing of this Act for varying any Order previously made under the said Acts or any of them shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

II. If any Person, after the Time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the Discontinuance of Burials, shall knowingly and wilfully bury any Body or in anywise act or assist in the Burial of any Body in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial or (as the Case may be) within the Limits in which Burials have by such Orders been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction before Two Justices of the Peace, forfeit a Sum not exceeding Ten Pounds.

Vestry Meetings for providing Burial Grounds may be called by Churchwardens without Requisition.

Where Order in Council has been made, or Notice of Intention to apply to the Privy Council for closing Burial Grounds, Churchwardens shall call a Meeting of Vestry.

III. The Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of any Parish in which no Burial Board has been appointed may, at any Time, at their Discretion, without Requisition of Ratepayers for that Purpose, convene a Meeting of such Vestry for the Purpose of determining whether a Burial Ground shall be provided for the Parish; and where any Order in Council has been made before the passing of this Act for discontinuing Burials (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish for which no Burial Board has been appointed, or Notice has been given of the Intention of the Secretry of State to make a Representation to Her Majesty in Council that Burials should be discontinued (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish, the Churchwardens or other Persons to whom it belongs to convene Meetings of Vestry shall, with all convenient Speed after the passing of this Act, convene a Meeting of the Vestry for the Purpose aforesaid; and where at any Time hereafter Notice is given of the Intention of the Secretary of State to make a like Representation in relation to a Burial Ground of any Parish, such Churchwardens or other Persons as aforesaid shall forthwith convene a Meeting of the Vestry for the Purpose aforesaid; and all the Provisions of the said Acts as amended by this Act relating to and consequent upon Vestry Meetings convened

upon

upon such Requisition as provided by the first-recited Act shall be applicable to Vestry Meetings convened under this Enactment.

Vacancies in Burial Board to be filled up by Vestry within a Month.

IV. Every Vacancy in any Burial Board shall be filled up by the Vestry appointing the same within One Month after such Vacancy shall have happened; and in case any such Vestry shall neglect to fill up any such Vacancy, the Vacancy may be filled up by the Burial Board at any Meeting thereof; and every Person to be appointed to supply any such Vacancy shall be a Ratepayer of the Parish for which the Burial Board is appointed; and every such Board may act for any Purpose, notwithstanding any Vacancies therein.

Provision requiring Monthly Meetings of Boards repealed.

V. So much of Section Thirteen of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires that the Burial Board shall meet once at least in every Month shall be repealed.

Repeal of Provisions requiring Sanction of Vestry to Expenditure and other Acts of Burial Board.

So much of the Fifteenth Section of the first-recited Act as requires the Approval of the Vestry for the Salaries, Wages, and Allowances of the Clerk, Officers, and Servants to be appointed by the Burial Board, and so much of the Nineteenth Section of the first-recited Act as provides that the Expenses to be incurred by the Burial Board of any Parish as therein mentioned are not to exceed such Sum as the Vestry shall authorize to be expended for the Purpose therein mentioned, and so much of the Twentieth Section of the same Act as requires the Sanction of the Vestry to the borrowing of any Money, and to the charging the future Poor's Rates of the Parish as therein mentioned, and so much of Sections Twenty-six and Forty-two of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires the Approval of any Vestry to the Contracts, Purchases, or other Acts and Proceedings therein mentioned of any Burial Board, shall be repealed.

Fees, &c. to be subject to the Approval of Secretary of State.

All such Fees, Payments, and Sums as may be fixed, settled, and received by any Burial Board under Section Thirty-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, shall be so fixed and settled subject to the Approval of One of Her Majesty's Principal Secretaries of State; and no such Fees, Payments, or Sums shall be altered or varied without such Approval.

Incorporation of Provision of Lands Clauses Consolidation Act, 1845, as to taking of

VI. Notwithstanding the Exception contained in Section Twenty-seven of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, the Provisions of "The Lands Clauses Consolidation Act, 1845," "with respect to the Purchase and taking of Lands otherwise than by Agreement," shall be incorporated with the said Act, and

Land otherwise than by Agreement.

and with the said Acts of the Sixteenth and Seventeenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, in like Manner as if such Exception had not been contained in the said Section Twenty-seven of the first-mentioned Act: Provided always, that no Garden, Yard, Park, Paddock, or any enclosed Ground planted as an Avenue or Shelter to a House, or planted or set apart as a Nursery for Trees, shall be so taken.

Land not to be taken compulsorily without the Consent of Secretary of State. Previous Notice to be given.

VII. Provided always, That no Land shall be taken compulsorily by any Burial Board without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State; and such Burial Board, before applying for the Consent of the Secretary of State for taking Land compulsorily as aforesaid, shall publish, once at the least in each of Three consecutive Weeks, in some Newspaper circulating in the Parish or Place where the Land is proposed to be taken, an Advertisement describing the Burial Ground or Addition to a Burial Ground in respect of which the Land is proposed to be taken, naming a Place where a Plan thereof is open for Inspection at all reasonable Hours, and stating the Quantity of Land required for the Purpose, and shall serve a Notice on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, such Service to be made Three Weeks previously to the Application to such Secretary of State; and such Notice shall state the Particulars of the Land so required, and that the Board are willing to treat for the Purchase thereof, and as to the Compensation to be made for any Damage that may be sustained by reason of the proposed Burial Ground; and in every Case in which Land is proposed to be taken compulsorily by the Secretary of State, or by any Person acting under the Direction of the Secretary of State under this Act, a like Notice shall be published in such Newspaper as aforesaid, and a like Notice served on such Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers as aforesaid, Three Weeks at least before any final Direction is given by such Secretary of State for taking such Land.

Secretary of State may direct Inspection of Burial Grounds.

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint and authorize any Person to inspect any Burial Ground or Cemetery, parochial or non-parochial, or Place for the Reception of Bodies, to ascertain the State and Condition thereof, and where Regulations in relation thereto have been made by the Secretary of State under the said Acts or any of them, to ascertain whether such Regulations have been observed and complied with; and if any Person having the Care of any such Burial Ground or Cemetery or other Place shall obstruct any Person so authorized to inspect the same, or if any Person having the

Penalty for obstructing Inspector or violating Regulations.

the Care of any Burial Ground or Place for the Reception of Bodies subject to such Regulations as aforesaid shall violate or neglect or fail to observe and comply with any such Regulation, or any Regulation imposed by this Act, every Person so offending shall upon summary Conviction thereof before Two Justices forfeit and pay a Sum not exceeding Ten Pounds.

Part of Section 24. of 15 & 16 Vict. c. 85. repealed.

IX. So much of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as enacts that "no Ground (not already used as or appropriated for a Cemetery) shall be appropriated as a Burial Ground "or as an Addition to a Burial Ground under that Act nearer than "Two hundred Yards to any Dwelling House, without the Consent "in Writing of the Owner, Lessee, and Occupier of such Dwelling "House," shall be repealed; but no Ground not already used as or appropriated for a Cemetery shall be used for Burials under the said Act or this Act, or either of them, within the Distance of One hundred Yards from any Dwelling House, without such Consent as aforesaid.

Burial Ground not to be made within 100 Yards of a Dwelling House.

If Ratepayers resolve, Land for new Burying Ground may be conveyed and settled as old Burying Ground.

X. If the Ratepayers assembled at any Vestry duly convened under the Provisions of this Act shall, in pursuance of public Notice duly given in that Behalf, resolve unanimously that any new Burying Ground to be provided for such Parish, under the Provisions of this Act, shall be held and used in like Manner and subject to the same Laws and Regulations in all respects as the existing Burying Ground or Churchyard of the said Parish, the Land for such new Burying Ground may be conveyed and settled in accordance with such Resolution, anything in this or the said recited Acts notwithstanding, and in such Case it shall not be necessary to set apart to remain unconsecrated any Portion of the Land so conveyed and settled.

How Burial Grounds are to be provided for united Parishes.

XI. Where a Parish or Place separately maintaining its own Poor has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry or any Meeting in the Nature of a Vestry of such several Parishes or Places to appoint a Burial Board, and from Time to Time to supply Vacancies therein, in like Manner as a Parish or Place separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground for the common Use of such several Parishes or Places, and for facilitating Interments, and otherwise, as if such several Parishes or Places had been a Parish

separately maintaining its own Poor; and the Expenses of the Burial Board appointed under this Provision shall be borne by the several Parishes or Places for which such Board is appointed, and shall be apportioned among them by such Burial Board in proportion to the Value of the Property in such several Parishes or Places as rated to the Relief of the Poor; and the Sums required by the Burial Board in respect of the Portion of such Expenses to be borne by any such Parish or Place shall be paid out of the Rates for the Relief of the Poor in such Parish or Place, in like Manner as if such Burial Board had been appointed for such Parish or Place alone.

No Obligation to build a Chapel for Persons not Members of the Church of England when Secretary of State, upon Representation of Three Fourths of Vestry, declares it unnecessary. 16 & 17 Vict. c. 134. s. 7.

XII. And whereas Doubts have arisen whether in all Cases in which any Burial Board shall build in any Burial Ground provided by such Board a Chapel for the Burial Service according to the Rites of the United Church of England and Ireland such Burial Board is not also bound by Law to build a Chapel or Chapels upon the unconsecrated Part of such Burial Ground for the Performance of Burial Service for Persons not being Members of the said Church: Be it enacted, That in any such Case as aforesaid where it shall appear to One of Her Majesty's Principal Secretaries of State, upon the Representation of a Majority of the Vestry of any Parish, consisting of not less than Three Fourths of the Members of the same, that the building of a Chapel upon the unconsecrated Part of any such Burial Ground for the Use of Persons not being Members of the said Church is undesirable and unnecessary, it shall be lawful for the said Secretary of State, if he shall think fit, to signify his Opinion to that Effect to the Burial Board of the Parish, and the said Burial Board shall thereupon be relieved from all Obligation to build the same.

Assessment to local Rates not to be increased after Purchases for the Purposes of this or any former Act.

No Land already or to be hereafter purchased or acquired, under the Provisions of any of the Acts herein-before recited, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall while used for such Purposes be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Separate Burial Boards whose Burial Grounds adjoin may contract with each other for specific Purposes.

XIII. That in any Case where the Burial Boards appointed under the said recited Acts of the Fifteenth and Sixteenth and the Sixteenth and Seventeenth Years of Her Majesty, or either of them, for any Two Parishes, shall provide separate Burial Grounds for such Parishes respectively, and such Burial Grounds shall adjoin each other, it shall be lawful for the said Burial Boards to concur in building, either on One of the said Burial Grounds or partly on One of such Grounds and partly

partly on the other, such Chapels as are authorized to be built by the said Acts, and that such Chapels when erected shall be used in common by both of such Parishes, and be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively, in such Manner, consistent with the Provisions of the said Acts or either of them, as the said Burial Boards shall mutually agree upon; and that the said Burial Boards may agree as to the Proportions in which the Expenses of erecting such Chapel Accommodation shall be borne by each of the said Boards respectively; and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid in the same Manner as the Cost of providing Burial Grounds under the said Acts; and where any Burial Board shall provide a Burial Ground, and cause Chapels to be built thereon, pursuant to the said recited Acts, it shall be lawful for such Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, to contract with any other Burial Board whose Burial Ground shall adjoin the One on which such Chapels shall so have been built, for the Use of such Chapels, in such Manner and on such Terms as such respective Burial Boards shall mutually agree, and that during the Existence of any such Agreement such Chapels shall be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively.

Burial Board may let Land not required for Burials.

XIV. It shall be lawful for any Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act or any of the Acts herein-before recited, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but so nevertheless that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid upon giving Six Months Notice.

Acts to be construed together.

XV. The said Acts of the Fifteenth and Sixteenth, Sixteenth and Seventeenth, and Seventeenth and Eighteenth Years of Her Majesty, and this Act, shall be read and construed together as One Act.

Burials.

A

B I L L

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

(*Brought from the Lords* 26 *July* 1855.)

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1855.

[Bill 275.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

[Note.—*Clauses* A. *to* F. *were added in Committee.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws "concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the "Dead in England beyond the Limits of the Metropolis, and to "amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the last Session of Parliament (Chapter Eighty-seven), "to make further Provisions for the Burial of the Dead "in England beyond the Limits of the Metropolis:" And whereas it is expedient that further Provision should be made for the Burial of the Dead, and that the said Acts should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87.

Orders in Council under the Acts may be varied by like Orders.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order of Her Majesty in Council made before the passing of this Act for varying any Order previously made under the said Acts or any of them shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

II. If any Person, after the Time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the Discontinuance of Burials, shall knowingly and wilfully bury any Body or in anywise act or assist in the Burial of any Body in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial or (as the Case may be) within the Limits in which Burials have by such Orders been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction before Two Justices of the Peace, forfeit a Sum not exceeding Ten Pounds.

Vestry Meetings for providing Burial Grounds may be called by Churchwardens without Requisition.

III. The Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of any Parish in which no Burial Board has been appointed may, at any Time, at their Discretion, without Requisition of Ratepayers for that Purpose, convene a Meeting of such Vestry for the Purpose of determining whether a Burial Ground shall be provided for the Parish; and where any Order in Council has been made before the passing of this Act for discontinuing Burials (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish for which no Burial Board has been appointed, or Notice has been given of the Intention of the Secretry of State to make a Representation to Her Majesty in Council that Burials should be discontinued (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish, the Churchwardens or other Persons to whom it belongs to convene Meetings of Vestry shall, with all convenient Speed after the passing of this Act, convene a Meeting of the Vestry for the Purpose aforesaid; and where at any Time hereafter Notice is given of the Intention of the Secretary of State to make a like Representation in relation to a Burial Ground of any Parish, such Churchwardens or other Persons as aforesaid shall forthwith convene a Meeting of the Vestry for the Purpose aforesaid; and all the Provisions of the said Acts as amended by this Act relating to and consequent upon Vestry Meetings convened upon

Where Order in Council has been made, or Notice of Intention to apply to the Privy Council for closing Burial Grounds, Churchwardens shall call a Meeting of Vestry.

upon such Requisition as provided by the first-recited Act shall be applicable to Vestry Meetings convened under this Enactment.

Vacancies in Burial Board to be filled up by Vestry within a Month.

IV. Every Vacancy in any Burial Board shall be filled up by the Vestry appointing the same within One Month after such Vacancy shall have happened; and in case any such Vestry shall neglect to fill up any such Vacancy, the Vacancy may be filled up by the Burial Board at any Meeting thereof; and every Person to be appointed to supply any such Vacancy shall be a Ratepayer of the Parish for which the Burial Board is appointed; and every such Board may act for any Purpose, notwithstanding any Vacancies therein.

Provision requiring Monthly Meetings of Boards repealed.

V. So much of Section Thirteen of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires that the Burial Board shall meet once at least in every Month shall be repealed.

Clause A. Repeal of Provisions requiring Sanction of Vestry to Expenditure and other Acts of Burial Board.

VI. So much of the Fifteenth Section of the first-recited Act as requires the Approval of the Vestry for the Salaries, Wages, and Allowances of the Clerk, Officers, and Servants to be appointed by the Burial Board, and so much of the Nineteenth Section of the first-recited Act as provides that the Expenses to be incurred by the Burial Board of any Parish as therein mentioned are not to exceed such Sum as the Vestry shall authorize to be expended for the Purpose therein mentioned, and so much of the Twentieth Section of the same Act as requires the Sanction of the Vestry to the borrowing of any Money, and to the charging the future Poor's Rates of the Parish as therein mentioned, and so much of Sections Twenty-six and Forty-two of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires the Approval of any Vestry to the Contracts, Purchases, or other Acts and Proceedings therein mentioned of any Burial Board, shall be repealed.

Clause B. Fees, &c. to be subject to the Approval of Secretary of State.

VII. All such Fees, Payments, and Sums as may be fixed, settled, and received by any Burial Board under Section Thirty-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, shall be so fixed and settled subject to the Approval of One of Her Majesty's Principal Secretaries of State; and no such Fees, Payments, or Sums shall be altered or varied without such Approval.

Secretary of State may direct Inspection of Burial Grounds.

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint and authorize any Person to inspect any Burial Ground or Cemetery, parochial or non-parochial, or Place for the Reception of Bodies, to ascertain the State and Condition thereof, and where Regulations in relation thereto

thereto have been made by the Secretary of State under the said Acts or any of them, to ascertain whether such Regulations have been observed and complied with; and if any Person having the Care of any such Burial Ground or Cemetery or other Place shall obstruct any Person so authorized to inspect the same, or if any Person having the Care of any Burial Ground or Place for the Reception of Bodies subject to such Regulations as aforesaid shall violate or neglect or fail to observe and comply with any such Regulation, or any Regulation imposed by this Act, every Person so offending shall upon summary Conviction thereof before Two Justices forfeit and pay a Sum not exceeding Ten Pounds.

Penalty for obstructing Inspector or violating Regulations.

IX. So much of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as enacts that "no Ground (not already used as or appropriated for a Cemetery) shall be appropriated as a Burial Ground "or as an Addition to a Burial Ground under that Act nearer than "Two hundred Yards to any Dwelling House, without the Consent "in Writing of the Owner, Lessee, and Occupier of such Dwelling "House," shall be repealed; but no Ground not already used as or appropriated for a Cemetery shall be used for Burials under the said Act or this Act, or either of them, within the Distance of One hundred Yards from any Dwelling House, without such Consent as aforesaid.

Part of Section 24. of 15 & 16 Vict. c. 85. repealed.

Burial Ground not to be made within 100 Yards of a Dwelling House.

X. If the Ratepayers assembled at any Vestry duly convened under the Provisions of this Act shall, in pursuance of public Notice duly given in that Behalf, resolve unanimously that any new Burying Ground to be provided for their Parish, under the Provisions of this Act, shall be held and used in like Manner and subject to the same Laws and Regulations in all respects as the existing Burying Ground or Churchyard of the said Parish, the Land for such new Burying Ground may be conveyed and settled in accordance with such Resolution, anything in this or the said recited Acts notwithstanding, and in such Case it shall not be necessary to set apart to remain unconsecrated any Portion of the Land so conveyed and settled.

If Ratepayers resolve, Land for new Burying Ground may be conveyed and settled as old Burying Ground.

XI. Where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry or any Meeting in the Nature of a Vestry of such several Parishes or Places in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do

How Burial Grounds are to be provided for united Parishes.

or

or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, in like Manner as a Parish or Place separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground for the common Use of such several Parishes or Places, and for facilitating Interments, and otherwise, as if such several Parishes or Places had been a Parish separately maintaining its own Poor; and the Expenses of the Burial Board appointed under this Provision shall be borne by the several Parishes or Places for which such Board is appointed, and shall be apportioned among them by such Burial Board in proportion to the Value of the Property in such several Parishes or Places as rated to the Relief of the Poor; and the Sums required by the Burial Board in respect of the Portion of such Expenses to be borne by any such Parish or Place shall be paid out of the Rates for the Relief of the Poor in such Parish or Place, in like Manner as if such Burial Board had been appointed for such Parish or Place alone.

CLAUSE C. Burial Boards may be appointed for Township, &c. (not separately maintaining their own Poor) which have had separate Burial Grounds.

XII. The Vestry or Meeting in the Nature of a Vestry of any Parish, Township, or other District not separately maintaining its own Poor, which has heretofore had a separate Burial Ground, may appoint a Burial Board, and from Time to Time supply Vacancies therein in like Manner as the Vestry of a Parish separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground as if such Parish, Township, or other District had been a Parish separately maintaining its own Poor.

CLAUSE D. Provision for Expenses of Burial Boards of Places not separately maintaining their own Poor.

XIII. Where any District (whether a Parish or Township or other Subdivision) not separately maintaining its own Poor, but forming Part of a Parish maintaining its own Poor, or of an Incorporation or other Union maintaining the Poor of the Places comprised therein, by means of a common Rate, shall have a Burial Board, or shall form Part of a Place or Union of Places not co-extensive with the Area rated for the Relief of the Poor, and having One Burial Board, it shall be lawful for such respective Burial Board to issue their Certificate to the Overseers of such Parish, or the Overseers or other Persons authorized to make and collect or cause to be collected such common Rate (as the Case may be), for Payment of the Sums required for the Expenses of such Burial Board, or, where such District not separately maintaining its own Poor forms Part only of the Area of the Burial Board, of the Sums required in respect of the Portion of such Expenses to be borne by such District, in like Manner as if such District had been a Parish separately maintaining its own Poor, and such Overseers or Persons authorized as aforesaid

had been the Overseers thereof; and such Overseers or Persons shall pay such Sums as shall be required by such Certificate, according to the Directions of such Burial Board, and shall levy such Sums as may be required for such Payments to the Burial Board by an Addition to the Parish Rate or Common Rate, so far as the same affects the District in respect of which such Payments are required, or by separate Rates to be made from Time to Time on such District; and for levying such Additions or separate Rates as aforesaid such Overseers or other Persons shall have the Powers, Remedies, and Privileges, and proceed in the same Manner, as in the Case of the Rates for the Relief of the Poor; provided that any such Rates may (notwithstanding any Restriction in relation to the Parish Rate or Common Rate) be made and levied at such Times as may be necessary to provide for the Payments aforesaid.

No Obligation to build a Chapel for Persons not Members of the Church of England when Secretary of State, upon Representation of Three Fourths of Vestry, declares it unnecessary. 16 & 17 Vict. c. 134. s. 7.

XIV. And whereas Doubts have arisen whether in all Cases in which any Burial Board shall build in any Burial Ground provided by such Board a Chapel for the Burial Service according to the Rites of the United Church of England and Ireland such Burial Board is not also bound by Law to build a Chapel or Chapels upon the unconsecrated Part of such Burial Ground for the Performance of Burial Service for Persons not being Members of the said Church: Be it enacted, That in any such Case as aforesaid where it shall appear to One of Her Majesty's Principal Secretaries of State, upon the Representation of a Majority of the Vestry of any Parish, consisting of not less than Three Fourths of the Members of the same, that the building of a Chapel upon the unconsecrated Part of any such Burial Ground for the Use of Persons not being Members of the said Church is undesirable and unnecessary, it shall be lawful for the said Secretary of State, if he shall think fit, to signify his Opinion to that Effect to the Burial Board of the Parish, and the said Burial Board shall thereupon be relieved from all Obligation to build the same.

Clause E. Assessment to local Rates not to be increased after Purchases for the Purposes of this or any former Act.

XV. No Land already or to be hereafter purchased or acquired, under the Provisions of any of the Acts herein-before recited, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall while used for such Purposes be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Separate Burial Boards whose Burial

XVI. That in any Case where the Burial Boards appointed under the said recited Acts of the Fifteenth and Sixteenth and the Sixteenth and Seventeenth Years of Her Majesty, or either of them, for any Two Parishes,

Parishes, shall provide separate Burial Grounds for such Parishes respectively, and such Burial Grounds shall adjoin each other, it shall be lawful for the said Burial Boards to concur in building, either on One of the said Burial Grounds or partly on One of such Grounds and partly on the other, such Chapels as are authorized to be built by the said Acts, and that such Chapels when erected shall be used in common by both of such Parishes, and be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively, in such Manner, consistent with the Provisions of the said Acts or either of them, as the said Burial Boards shall mutually agree upon; and that the said Burial Boards may agree as to the Proportions in which the Expenses of erecting such Chapel Accommodation shall be borne by each of the said Boards respectively; and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid in the same Manner as the Cost of providing Burial Grounds under the said Acts; and where any Burial Board shall provide a Burial Ground, and cause Chapels to be built thereon, pursuant to the said recited Acts, it shall be lawful for such Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, to contract with any other Burial Board whose Burial Ground shall adjoin the One on which such Chapels shall so have been built, for the Use of such Chapels, in such Manner and on such Terms as such respective Burial Boards shall mutually agree, and that during the Existence of any such Agreement such Chapels shall be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively.

Grounds adjoin may contract with each other for specific Purposes.

XVII. It shall be lawful for any Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act or any of the Acts herein-before recited, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but so nevertheless that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid upon giving Six Months Notice.

Burial Board may let Land not required for Burials.

XVIII. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board or Churchwardens, as the Case may be, shall maintain such Churchyard or Burial Ground of any Parish in decent Order, and also do the necessary

Clause F. Burial Board to keep in Order closed Burial Grounds, &c.

Repair of the Walls and other Fences thereof, and the Costs and Expenses shall be repaid by the Overseers upon the Certificate of the Burial Board or Churchwardens, as the Case may be, out of the Rate made for the Relief of the Poor of the Parish or Place in which such Churchyard or Burial Ground is situate, unless there shall be some other Fund legally chargeable with such Costs and Expenses.

Acts to be construed together.

XIX. The said Acts of the Fifteenth and Sixteenth, Sixteenth and Seventeenth, and Seventeenth and Eighteenth Years of Her Majesty, and this Act, shall be read and construed together as One Act.

Burials.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

(*Brought from the Lords 26 July* 1855.)

Ordered, by The House of Commons, *to be Printed,* 4 *August* 1855.

[Bill 287.] *Under* 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION]

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

[Note.—*Clauses* A. *to* F. *were added in Committee.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws "concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the "Dead in England beyond the Limits of the Metropolis, and to "amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the last Session of Parliament (Chapter Eighty-seven), "to make further Provisions for the Burial of the "in England beyond the Limits of the Metropolis:" And whereas it is expedient that further Provision should be made for the Burial of the Dead, and that the said Acts should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87.

Orders in Council under the Acts may be varied by like Orders.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order of Her Majesty in Council made before the passing of this Act for varying any Order previously made under the said Acts or any of them shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

II. If any Person, after the Time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the Discontinuance of Burials, shall knowingly and wilfully bury any Body or in anywise act or assist in the Burial of any Body in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial or (as the Case may be) within the Limits in which Burials have by such Orders been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction before Two Justices of the Peace, forfeit a Sum not exceeding Ten Pounds.

Vestry Meetings for providing Burial Grounds may be called by Churchwardens without Requisition.

Where Order in Council has been made, or Notice of Intention to apply to the Privy Council for closing Burial Grounds, Churchwardens shall call a Meeting of Vestry.

III. The Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of any Parish in which no Burial Board has been appointed may, at any Time, at their Discretion, without Requisition of Ratepayers for that Purpose, convene a Meeting of such Vestry for the Purpose of determining whether a Burial Ground shall be provided for the Parish; and where any Order in Council has been made before the passing of this Act for discontinuing Burials (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish for which no Burial Board has been appointed, or Notice has been given of the Intention of the Secretry of State to make a Representation to Her Majesty in Council that Burials should be discontinued (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish, the Churchwardens or other Persons to whom it belongs to convene Meetings of Vestry shall, with all convenient Speed after the passing of this Act, convene a Meeting of the Vestry for the Purpose aforesaid; and where at any Time hereafter Notice is given of the Intention of the Secretary of State to make a like Representation in relation to a Burial Ground of any Parish, such Churchwardens or other Persons as aforesaid shall forthwith convene a Meeting of the Vestry for the Purpose aforesaid; and all the Provisions of the said Acts as amended by this Act relating to and consequent upon Vestry Meetings convened

upon

upon such Requisition as provided by the first-recited Act shall be applicable to Vestry Meetings convened under this Enactment.

Vacancies in Burial Board to be filled up by Vestry within a Month.

IV. Every Vacancy in any Burial Board shall be filled up by the Vestry appointing the same within One Month after such Vacancy shall have happened, and immediately on the Occurrence thereof the same shall be notified by the Burial Board to the Churchwardens, or other Persons to whom it belongs to convene Meetings of the Vestry; and in case any such Vestry shall neglect to fill up any such Vacancy, the Vacancy may be filled up by the Burial Board at any Meeting thereof; and every Person to be appointed to supply any such Vacancy shall be a Ratepayer of the Parish for which the Burial Board is appointed; and every such Board may act for any Purpose, notwithstanding any Vacancies therein.

Provision requiring Monthly Meetings of Boards repealed.

V. So much of Section Thirteen of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires that the Burial Board shall meet once at least in every Month shall be repealed.

Clause A.
Repeal of Provisions requiring Sanction of Vestry to Expenditure and other Acts of BurialBoard.

VI. So much of the Fifteenth Section of the first-recited Act as requires the Approval of the Vestry for the Salaries, Wages, and Allowances of the Clerk, Officers, and Servants to be appointed by the Burial Board, and so much of the Nineteenth Section of the first-recited Act as provides that the Expenses to be incurred by the Burial Board of any Parish as therein mentioned are not to exceed such Sum as the Vestry shall authorize to be expended for the Purpose therein mentioned, and so much of the Twentieth Section of the same Act as requires the Sanction of the Vestry to the borrowing of any Money, and to the charging the future Poor's Rates of the Parish as therein mentioned, and so much of Sections Twenty-six and Forty-two of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires the Approval of any Vestry to the Contracts, Purchases, or other Acts and Proceedings therein mentioned of any Burial Board, shall be repealed.

Clause B.
Fees, &c. to be subject to the Approval of Secretary of State.

VII. All such Fees, Payments, and Sums as may be fixed, settled, and received by any Burial Board under Section Thirty-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, shall be so fixed and settled subject to the Approval of One of Her Majesty's Principal Secretaries of State; and no such Fees, Payments, or Sums shall be altered or varied without such Approval.

Secretary of State may direct In-

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint and authorize any

spection of Burial Grounds.

Person to inspect any Burial Ground or Cemetery, parochial or non-parochial, or Place for the Reception of Bodies, to ascertain the State and Condition thereof, and where Regulations in relation thereto have been made or may be made by the Secretary of State under the said Acts or any of them, to ascertain whether such Regulations have been observed and complied with; and if any Person having the Care of any such Burial Ground or Cemetery or other Place shall obstruct any Person so authorized to inspect the same, or if any Person having the Care of any Burial Ground or Place for the Reception of Bodies subject to such Regulations as aforesaid shall violate or neglect or fail to observe and comply with any such Regulation, or any Regulation imposed by this Act, every Person so offending shall upon summary Conviction thereof before Two Justices forfeit and pay a Sum not exceeding Ten Pounds.

Penalty for obstructing Inspector or violating Regulations.

Part of Section 24. of 15 & 16 Vict. c. 85. repealed.

IX. So much of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as enacts that "no Ground (not already used as or appropriated for a Cemetery) shall be appropriated as a Burial Ground "or as an Addition to a Burial Ground under that Act nearer than "Two hundred Yards to any Dwelling House, without the Consent "in Writing of the Owner, Lessee, and Occupier of such Dwelling "House," shall be repealed; but no Ground not already used as or appropriated for a Cemetery shall be used for Burials under the said Act or this Act, or either of them, within the Distance of One hundred Yards from any Dwelling House, without such Consent as aforesaid.

Burial Ground not to be made within 100 Yards of a Dwelling House.

If Ratepayers resolve, Land for new Burying Ground may be conveyed and settled as old Burying Ground.

X. If the Ratepayers assembled at any Vestry duly convened under the Provisions of this Act shall, in pursuance of public Notice duly given in that Behalf, resolve unanimously that any new Burying Ground to be provided for their Parish, under the Provisions of this Act, shall be held and used in like Manner and subject to the same Laws and Regulations in all respects as the existing Burying Ground or Churchyard of the said Parish, the Land for such new Burying Ground may be conveyed and settled in accordance with such Resolution, anything in this or the said recited Acts notwithstanding, and in such Case it shall not be necessary to set apart to remain unconsecrated any Portion of the Land so conveyed and settled: Provided always, that if at any Time thereafter the Vestry should determine that an unconsecrated Burial Ground should be also provided for such Parish, all the Powers and Provisions of the said recited Acts and this Act may be put in force, and shall be applicable for providing such unconsecrated Burial Ground separately, in like Manner as they might have been put in force and been applicable for providing an ordinary Burial Ground for such Parish.

XI. Where

How Burial Grounds are to be provided for united Parishes.

XI. Where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry or any Meeting in the Nature of a Vestry of such several Parishes or Places in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, in like Manner as a Parish or Place separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground for the common Use of such several Parishes or Places, and for facilitating Interments, and otherwise, as if such several Parishes or Places had been a Parish separately maintaining its own Poor; and the Expenses of the Burial Board appointed under this Provision shall be borne by the several Parishes or Places for which such Board is appointed, and shall be apportioned among them by such Burial Board in proportion to the Value of the Property in such several Parishes or Places as rated to the Relief of the Poor; and the Sums required by the Burial Board in respect of the Portion of such Expenses to be borne by any such Parish or Place shall be paid out of the Rates for the Relief of the Poor in such Parish or Place, in like Manner as if such Burial Board had been appointed for such Parish or Place alone.

Clause C. Burial Boards may be appointed for Township, &c. (not separately maintaining their own Poor) which have had separate Burial Grounds.

XII. The Vestry or Meeting in the Nature of a Vestry of any Parish, Township, or other District not separately maintaining its own Poor, which has heretofore had a separate Burial Ground, may appoint a Burial Board, and from Time to Time supply Vacancies therein in like Manner as the Vestry of a Parish separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground as if such Parish, Township, or other District had been a Parish separately maintaining its own Poor.

Clause D. Provision for Expenses of Burial Boards of Places not separately maintaining their own Poor.

XIII. Where any District (whether a Parish or Township or other Subdivision) not separately maintaining its own Poor, but forming Part of a Parish maintaining its own Poor, or of an Incorporation or other Union maintaining the Poor of the Places comprised therein, by means of a common Rate, shall have a Burial Board, or shall form Part of a Place or Union of Places not co-extensive with the Area rated for the Relief of the Poor, and having One Burial Board, it shall be lawful for such respective Burial Board to issue their Certificate to the Overseers of such Parish, or the Overseers or other

Persons authorized to make and collect or cause to be collected such common Rate (as the Case may be), for Payment of the Sums required for the Expenses of such Burial Board, or, where such District not separately maintaining its own Poor forms Part only of the Area of the Burial Board, of the Sums required in respect of the Portion of such Expenses to be borne by such District, in like Manner as if such District had been a Parish separately maintaining its own Poor, and such Overseers or Persons authorized as aforesaid had been the Overseers thereof; and such Overseers or Persons shall pay such Sums as shall be required by such Certificate, according to the Directions of such Burial Board, and shall levy such Sums as may be required for such Payments to the Burial Board by an Addition to the Parish Rate or Common Rate, so far as the same affects the District in respect of which such Payments are required, or by separate Rates to be made from Time to Time on such District; and for levying such Additions or separate Rates as aforesaid such Overseers or other Persons shall have the Powers, Remedies, and Privileges, and proceed in the same Manner, as in the Case of the Rates for the Relief of the Poor; provided that any such Rates may (notwithstanding any Restriction in relation to the Parish Rate or Common Rate) be made and levied at such Times as may be necessary to provide for the Payments aforesaid.

No Obligation to build a Chapel for Persons not Members of the Church of England when Secretary of State, upon Representation of Three Fourths of Vestry, declares it unnecessary. 16 & 17 Vict. c. 134. s. 7.

XIV. And whereas Doubts have arisen whether in all Cases in which any Burial Board shall build in any Burial Ground provided by such Board a Chapel for the Burial Service according to the Rites of the United Church of England and Ireland, such Burial Board is not also bound by Law to build a Chapel or Chapels upon the unconsecrated Part of such Burial Ground for the Performance of Burial Service for Persons not being Members of the said Church: Be it enacted, That in any such Case as aforesaid, where it shall appear to One of Her Majesty's Principal Secretaries of State, upon the Representation of a Majority of the Vestry of any Parish, consisting of not less than Three Fourths of the Members of the same, that the building of a Chapel upon the unconsecrated Part of any such Burial Ground for the Use of Persons not being Members of the said Church is undesirable and unnecessary, it shall be lawful for the said Secretary of State, if he shall think fit, to signify his Opinion to that Effect to the Burial Board of the Parish, and the said Burial Board shall thereupon be relieved from all Obligation to build the same: Provided always, that such Secretary of State shall not signify his Opinion as aforesaid unless it be shown to his Satisfaction that Notice of the Intention to propose to such Vestry to make such Representation was given in manner required by Law for Notices of Vestry Meetings, and of the special Purposes thereof.

XV. No

Clause E. Assessment to local Rates not to be increased after Purchases for the Purposes of this or any former Act.

XV. No Land already or to be hereafter purchased or acquired, under the Provisions of any of the Acts herein-before recited, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall while used for such Purposes be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Separate Burial Boards whose Burial Grounds adjoin may contract with each other for specific Purposes.

XVI. That in any Case where the Burial Boards appointed under the said recited Acts of the Fifteenth and Sixteenth and the Sixteenth and Seventeenth Years of Her Majesty, or either of them, for any Two Parishes, shall provide separate Burial Grounds for such Parishes respectively, and such Burial Grounds shall adjoin each other, it shall be lawful for the said Burial Boards to concur in building, either on One of the said Burial Grounds or partly on One of such Grounds and partly on the other, such Chapels as are authorized to be built by the said Acts, and that such Chapels when erected shall be used in common by both of such Parishes, and be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively, in such Manner, consistent with the Provisions of the said Acts or either of them, as the said Burial Boards shall mutually agree upon; and that the said Burial Boards may agree as to the Proportions in which the Expenses of erecting such Chapel Accommodation shall be borne by each of the said Boards respectively; and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid in the same Manner as the Cost of providing Burial Grounds under the said Acts; and where any Burial Board shall provide a Burial Ground, and cause Chapels to be built thereon, pursuant to the said recited Acts, it shall be lawful for such Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, to contract with any other Burial Board whose Burial Ground shall adjoin the One on which such Chapels shall so have been built, for the Use of such Chapels, in such Manner and on such Terms as such respective Burial Boards shall mutually agree, and that during the Existence of any such Agreement such Chapels shall be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively.

Burial Board may let Land not required for Burials.

XVII. It shall be lawful for any Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act or any of the Acts herein-before recited, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and

on such Terms as such Board may see fit, but so nevertheless that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving Six Months Notice.

CLAUSE F. Burial Board to keep in Order closed Burial Grounds, &c.

XVIII. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board or Churchwardens, as the Case may be, shall maintain such Churchyard or Burial Ground of any Parish in decent Order, and also do the necessary Repair of the Walls and other Fences thereof, and the Costs and Expenses shall be repaid by the Overseers upon the Certificate of the Burial Board or Churchwardens, as the Case may be, out of the Rate made for the Relief of the Poor of the Parish or Place in which such Churchyard or Burial Ground is situate, unless there shall be some other Fund legally chargeable with such Costs and Expenses.

Acts to be construed together.

XIX. The said Acts of the Fifteenth and Sixteenth, Sixteenth and Seventeenth, and Seventeenth and Eighteenth Years of Her Majesty, and this Act, shall be read and construed together as One Act.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION]

INTITULED

An Act further to amend the Laws concerning the Burial of the Dead in England.

(*Brought from the Lords* 26 *July* 1855.)

Ordered, by The House of Commons, *to be Printed,* 6 *August* 1855.

[Bill 291.]

Under 1 *oz.*

Cambridge University Bill.

ARRANGEMENT OF CLAUSES.

Appointment of Commissioners; Sect. 1.
Duration of Powers of Commissioners; 2.
Vacancy in Number of Commissioners; 3.
Commissioners empowered to require Production of Documents, &c.; 4.

Constitution of the University.

Establishment of Council of the Senate; 5.
Composition of Council; 6.
Vice-Chancellor to promulgate Lists of Members of Senate; 7.
Lists may be objected to and amended; 8.
Periodical vacating of Seats; 9.
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Members may be re-elected; 11.
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Power of University to make Statutes as to Private Halls; 27.

If University omit to frame Statutes, &c. it shall be incumbent on Commissioners to do so; 28.

Colleges may amend Statutes with respect to Eligibility to Head ships, &c.; 29.

When Colleges omit to make Statutes, Commissioners may frame Ordinances; 30.

Power of University to alter Trusts; 31.

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom; 32.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body; 33.

Statutes, Ordinances, and Regulations objected to by Governing Body of College, &c. to be laid before Parliament; 34.

Regulations as to Scholarships in Trinity College appropriated to Westminster School; 35.

College of King Henry the Sixth at Eton to be subject to this Act; 36.

Ordinances, Regulations, and Statutes to be laid before the Queen in Council. Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.; 37.

Regulations, Ordinances, and Statutes to be laid before Parliament; 38.

Commissioners to have regard to reasonable Designs of College, &c.; 39.

Power to repeal Statutes; 40.

Statutes by Commissioners subject to Repeal, &c.; 41.

Persons becoming Members not to possess vested Interests; 42.

Not necessary to make Declaration or take an Oath on matriculating; nor on taking a Bachelor's Degree; 43, 44.

Stamp Duties abolished [*Proposed to be added in Committee*].

Powers of University to continue in force, except as altered by this Act; 45.

Interpretation of Terms; 46.

A

B I L L

INTITULED

An Act to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

[Note.—*The Clause printed in Red Ink is proposed to be added in Committee.*]

WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of Cambridge and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of Cambridge and the Colleges thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The several Persons herein-after named, (that is to say,) the Right Honourable William Earl of Burlington, the Right Reverend Father in God John Lord Bishop of Chester, the Right Honourable Thomas Spring Lord Monteagle of Brandon, the Right Honourable Spencer Horatio Walpole, the Honourable Sir Edward Hall Alderson, Knight, Appointment of Commissioners.

Knight, One of the Barons of the Court of Exchequer, John George Shaw Lefevre, Esquire, Clerk Assistant of the Parliaments, and John Cowling, Esquire, Barrister-at-Law, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and fifty-eight, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and fifty-nine, and no longer.

Vacancy in Number of Commissioners.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

Commissioners empowered to require Production of Documents, &c.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of Cambridge or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the said Commissioners.

Constitution of the University.

Establishment of Council of the Senate.

V. Upon the Sixth Day of November One thousand eight hundred and fifty-five, all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of November One thousand eight hundred and fifty-five there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, to which shall be intrusted, immediately after the Election thereof, the Duty of considering and preparing all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates; and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, to be elected by the Heads of Colleges from among themselves, Four Professors of the University, not being Heads of Colleges, to be elected by the Professors of the University

University from among themselves, and Eight Members of the Senate, not being either Heads of Colleges or Professors, to be elected by the Persons whose Names shall be on the Electoral Roll herein-after mentioned: Provided always, that there shall never be more than Two Members of the same College among such last-mentioned Eight elected Members.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on Monday the First Day of October One thousand eight hundred and fifty-five, and so on the First Monday in October in every Year, cause to be promulgated in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, not being Heads of Colleges or Professors, whom he shall ascertain to have resided within One Mile and a Half of Great Saint Mary's Church for Twenty Weeks at the least between the First Day of the preceding Michaelmas Term and the First Day of the said Month of October.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

Periodical vacating of Seats.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of November One thousand eight hundred and fifty-five shall be elected to hold Office for Two Years only, and the other Members of the Council to be then elected shall hold Office for Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four Members of the Council, not being Heads of Colleges or Professors, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

Supply of periodical Vacancies.

X. Upon every periodical vacating of Office at the End of every Two Years the Places of the Members of the Council so vacating their Seats shall be supplied by a new Election, to be made in the same Manner as is herein-before prescribed as to the

Election to take place on the Seventh Day of November One thousand eight hundred and fifty-five, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years.

Members may be re-elected.

XI. All Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

Date of Election.

XII. In case the Seventh of November shall fall on a Sunday, the Election shall take place on the next Day.

Filling up of casual Vacancies.

XIII. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person according to the Directions of this Act; but the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XIV. In all Elections of Members of the Council, not being Heads of Colleges or Professors, the Electors shall have the Power of giving Votes as follows; that is to say, for One Vacancy One Vote, for Two or Three Vacancies Two Votes, and for Four Vacancies Three Votes.

Absence from Meetings to create a Vacancy.

XV. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during Two successive Terms, his Seat shall at the Close of the Second of such Terms become and shall be declared by the Vice-Chancellor to be vacant.

Vice-Chancellor's Seat not vacant.

XVI. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any Member of the Council shall cease to be a Member of the Senate, his Seat shall thereupon become and be declared to be vacant.

Proviso.

Professors eligible.

XVII. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation.

Vice-Chancellor to make Regulations respecting Council.

XVIII. The Vice-Chancellor shall, before the Tenth Day of October One thousand eight hundred and fifty-five, make and promulgate all such Regulations as to the voting for, Election, Resignation,

tion, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit.

Power to Council to make Rules for Regulation of its own Proceedings.

XIX. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of Cambridge, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint from their own Body Syndicates for the Purposes of examining and disposing of all Supplicats for Degrees, and examining all other Questions referred to them by the said Council.

Date of Meeting.

XX. The Council shall meet for the Despatch of Business on the Seventh Day of November One thousand eight hundred and fifty-five.

Who shall be President of the Council.

XXI. The Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, shall be the President of the Council: Provided always, that if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, the Members of the Council then assembled shall elect their own President, who shall at such Meeting have the same Powers as a Deputy duly appointed by the Vice-Chancellor.

Quorum of Council.

XXII. No Business shall be transacted in the Council unless Five Members at least be present.

Questions in the Council to be decided by the Majority.

XXIII. All Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor or the Vice-Chancellor, or his Deputy, and the Majority of the Members present at any Meeting of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present.

Certain Oaths illegal.

XXIV. Every Oath directly or indirectly binding the Juror—

Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority;

To resist or not concur in any Change in the Statutes of the University or College;

To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Nonconcurrence,

shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

Power to Vice-Chancellor to license Members of the Senate to open their Residences for Reception of Students;

XXV. It shall be lawful for any Member of the Senate, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, to obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of Great Saint Mary's Church, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation.

who shall be called Licensed Masters.

XXVI. Every Person to whom such Licence is granted shall be called a Licensed Master, and his Residence so opened as aforesaid shall be called a Private Hall.

Power of University to make Statutes as to Private Halls.

XXVII. For the Purpose of carrying into effect the Objects proposed by this Act in relation to Private Halls, the University is hereby specially empowered, at any Time before the First Day of Michaelmas Term One thousand eight hundred and fifty-six, by Statute, to be approved as herein-after mentioned, to do the following Things:

To fix the Terms and Conditions of granting Licences to Licensed Masters, and the Qualifications of such Masters:

To make Regulations for the Government of Private Halls, the Instruction and Discipline of the Students therein, their Attendance on Divine Worship, and their Status in the event of the Death or Removal of any such Licensed Master, or the Withdrawal or Suspension of his Licence:

To make Provision for punishing Neglect or Breach of Regulation on the Part of a Licensed Master by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as they may think fit.

XXVIII. If

If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.

XXVIII. If the said University shall not, on or before the First Day of Michaelmas Term One thousand eight hundred and fifty-six, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the said Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Private Halls, it shall be incumbent on the Commissioners, as soon as possible after such Day as aforesaid, to proceed themselves to frame Statutes in respect of any Matters or Things so left undone or imperfect by the said University.

Colleges may amend Statutes with respect to Eligibility to Headships, &c.

XXIX. And whereas it is expedient, for the Interest of Religion and Learning, to enable Colleges to alter and amend their Statutes, Byelaws, Ordinances, and Regulations with respect to Eligibility to Headships, Fellowships, and other College Emoluments, the Tenure thereof, and the Election thereto, and to ensure the same being conferred according to personal Merits and Fitness, and to be retained for such Periods as are likely to conduce to the better Advancement of those Interests, and for these Purposes to modify or abolish any Rights of Preference, and to make Statutes, Ordinances, and Regulations for rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large, for the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions, either subject or not subject to any similar or modified Limitation, for incorporating Bye Fellowships with the original Foundation, and generally to make further Provision for maintaining and improving the Discipline, Studies, and good Government of the said Colleges, and for amending the Statutes, Ordinances, and Regulations thereof from Time to Time: Be it enacted, That it shall be lawful for the governing Body of every College, at any Time before the First Day of Michaelmas Term One thousand eight hundred and fifty-six, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment of any College, to make Statutes, Ordinances, and Regulations for the Purpose of effecting or advancing any of the aforesaid Objects and Purposes: Provided always, that all such Statutes, Ordinances, and Regulations shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

When Colleges omit to make Statutes Commissioners may frame Ordinances.

XXX. If the Powers herein-before granted to Colleges shall in the Case of any College not be exercised, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute, Ordinance, or Regulation for effecting the Objects of such Powers or no Statute, Ordinance, or Regulation which the said Commissioners may deem sufficient, shall be submitted by the Governing Body of such College to the Commissioners, and approved of by them, before the First Day of Michaelmas Term One thousand eight hundred and fifty-six, it shall be lawful for the Commissioners to frame such Statutes, Ordinances, and Regulations, or such further Statutes, Ordinances, and Regulations as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, Ordinances, and Regulations, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof: Provided always, that all such Statutes, Ordinances, and Regulations, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months before the same are submitted to Her Majesty in Council, as herein-after directed; and if within the said Period of Two Calendar Months Two Thirds of the Governing Body of the said College shall by Writing under their Hand and Seal declare that in their Opinion such Statutes, Ordinances, and Regulations will be prejudicial to the said College as a Place of Learning and Education, then the same shall not take effect, but it shall be lawful for the Commissioners to frame and submit other Statutes, Ordinances, and Regulations for the like Purpose to the said College, and so on as often as Occasion shall require.

Power of University to alter Trusts.

XXXI. If in the Case of any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or in the Case of the Endowment of Lady Sadler for Lectures in the several Colleges, it shall appear to the Council of the Senate that the Interests of Religion and Learning may be better advanced by an Alteration of the Trusts or Directions affecting such Gift or Endowment, or if it shall appear to the said Council that any of the existing Statutes, Ordinances, and Regulations of the University may usefully be repealed or altered, or any new Statutes, Ordinances, and Regulations may advantageously be made in addition thereto, it shall be lawful for the said Council to frame new Statutes, Ordinances, and Regulations for altering or modifying any such Trusts or Directions, and for directing the Application of any such Gift or Endowment in such Manner as may better advance the Purposes

Purposes aforesaid, or for repealing, altering, or adding to any of the existing Statutes of the University, and to submit the same to the Senate by way of Grace for its Adoption, and the Senate may adopt or reject the same accordingly; but no such Repeal nor any such new or altered Statute shall take effect until the same shall have been assented to by the Commissioners under their Seal, and shall also have received the Approbation of Her Majesty, to be signified by an Order in Council as herein-after is mentioned: Provided always, that if any such Gift or Endowment has not taken effect for more than Fifty Years, the Consent of the Trustees, Governors, or Patron of the same shall be required to any such Statute.

Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.

XXXII. If in the Execution of the Powers of this Act it shall be proposed by the governing Body of any College or by the Commissioners to make any Statute, Ordinance, or Regulation for the Abolition of any Right of Preference in Elections to any Emolument within any College now lawfully belonging to and enjoyed by any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute, Ordinance or Regulation to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute, Ordinance, or Regulation shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute, Ordinance, or Regulation would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, nevertheless, that every such Right of Preference, when retained, shall be subject to all such Statutes, Ordinances, and Regulations as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the

Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid: Provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served on the Principal of any School to be sufficient Notice to the Governing Body.

XXXIII. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes, Ordinances, and Regulations objected to by Governing Body of College, &c. to be laid before Parliament.

XXXIV. All Statutes, Ordinances, and Regulations framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Ordinances and Regulations shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Regulations as to Scholarships in Trinity College appropriated to Westminster School.

XXXV. And whereas by the Statutes of Trinity College and the Laws and Practice of Westminster School certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That it shall be lawful for the governing Body of the said College, with the Sanction of the Dean and Chapter of Westminster, signified by Writing under their Common Seal, to make and lay before the said Commissioners any Regulations which to such College may seem fit for abolishing the said

said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and to charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners for or towards his Maintenance from the Time of his commencing his Residence in the said College, and during such Residence until by the Regulations of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and for framing Rules as to the Studies to be prosecuted in the said School, the Mode of electing the Head Master and Under Master thereof, the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the said Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Regulations: Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

College of King Henry the Sixth at Eton to be subject to this Act.

XXXVI. The College of King Henry the Sixth at Eton shall for the Purposes of this Act be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, Byelaws, Ordinances, and Regulations in like Manner as is hereby provided with respect to the Colleges of the University, but without Prejudice to the Powers and Authorities, if any, of the Commissioners under "The Charitable Trusts Act, 1853."

Ordinances, Regulations, and Statutes to be laid before the Queen in Council.

XXXVII. All Statutes, Ordinances, and Regulations which, under the Power herein-before contained, shall be made by the Governing Body of any College, and be approved of by the Commissioners, and all Ordinances and Regulations which shall be framed by the Commissioners, and shall not be objected to as aforesaid by Two Thirds of the Governing Body of the College to which the same relate, and every Statute, Ordinance, and Regulation passed by the University or framed by the Commissioners under the Powers herein-before contained, for the Regulation of Private Halls, or for altering or modifying the Trusts or Directions affecting any Gift or Endowment, shall, after the Expiration of Two Calendar Months from the Time when the same respectively shall have been approved of by the Commissioners, or submitted to the College, or passed by the University, be laid before Her Majesty in Council, and be forthwith published in the London Gazette; and it shall be lawful for the Governing Body of every College, and for the Visitor thereof,

Power to Colleges, &c. to petition

Her Majesty against Approbation thereof, &c.

thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for any other Person directly affected by such Statutes, Ordinances, or Regulations, within One Month after the Publication as aforesaid in the London Gazette, to petition Her Majesty in Council against the Approbation thereof or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Regulations, Ordinances, and Statutes to be laid before Parliament.

XXXVIII. All Statutes, Ordinances, and Regulations which shall be so published in the London Gazette as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold her Consent from such Statutes, Ordinances, or Regulations, or any Parts thereof, or unless the same shall be rejected on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes, Ordinances, and Regulations respectively, or any Parts thereof to which such Address shall not relate, and the same shall thereupon become Statutes of the University of Cambridge, or of the College therein to which the same respectively relate; and if any such Statutes, Ordinances, or Regulations, or any Part thereof, shall not be so approved by Her Majesty, then the Commissioners may thereupon proceed to frame other Statutes, Ordinances, or Regulations in the Matter, and so on from Time to Time as often as Occasion shall require.

Commissioners to have regard to reasonable Designs of College, &c.

XXXIX. In giving effect to their Powers or any of them with respect to Colleges, the Commissioners shall have regard, among other things, to making due Provision, first, for the Wants and Improvement of the College, and the Advancement of Religion and Learning among its own Members, and, secondly, for Aid towards the Establishment of the Professoriate of the said University on an enlarged Basis in the several main Branches of Science and Letters, and with adequate Duties and Emoluments, by appropriating Portions of the divisible Revenues of any College for that Purpose, in Cases where the Founder of the College hath directed Lectures to be delivered for the Benefit of the University, or where it shall appear to the Commissioners that the College is well able to make such Provision.

XL. Every

Power to repeal Statutes.

XL. Every Statute, Ordinance, or Regulation made by the University of Cambridge or by any of the Colleges thereof, by virtue of the Powers of this Act, shall be subject to Repeal or Alteration in the same Manner and to the same Extent, but not otherwise, in and to which other Statutes, Ordinances, and Regulations of the said University or College, as the Case may be, are or may be subject to Repeal or Alteration.

Statutes by Commissioners subject to Repeal, &c.

XLI. Every Statute, Ordinance, and Regulation made by the Commissioners in pursuance of the Provisions of this Act, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, shall be subject to Repeal and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

Persons becoming Members not to possess vested Interests.

XLII. No Person who, after the passing of this Act, shall become a Member of any College, or shall be elected or become eligible to any University or Collegiate Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

Not necessary to make Declaration or take an Oath on matriculating;

XLIII. From and after the First Day of Michaelmas Term One thousand eight hundred and fifty-five it shall not be necessary for any Person, upon matriculating in the University of Cambridge, to make or subscribe any Declaration or to take any Oath whatever.

nor on taking a Degree.

XLIV. From and after the First Day of Michaelmas Term One thousand eight hundred and fifty-five it shall not be necessary for any Person, upon taking any Degree in Arts, Law, Medicine, or Music, in the University of Cambridge, to take any Oath or to make any Declaration whatever: But such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is bonâ fide a Member of the Church of England, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted One of the Qualifications.

Stamp Duties abolished.

The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

Powers of University to continue in force, except as altered by this Act.

XLV. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

Interpretation of Terms.

XLVI. In the Construction of this Act the Expression "University or College Emolument" shall include all Headships, Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include respectively Public Readers, Lecturers, and their several Offices; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye Fellows excepted, being Graduates, or the major Part of such Head and Fellows; and the Words "College Statutes" shall be taken to include all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of the College.

Cambridge University.

A

B I L L

INTITULED

An Act to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton.

(*Brought from the Lords* 15 *June* 1855.)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1855.

[Bill 172.] *Under 2 oz.*

A

BILL

TO

Appropriate the Income of such One of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS the Population of the City of Carlisle is large and increasing: And whereas the Cure of Souls of the Inhabitants of the said City is committed exclusively to the Incumbents of the several Churches, Parishes, and Ecclesiastical Districts of Saint Cuthbert, Saint Mary, Trinity Church, and Christ Church, all in the said City: And whereas the annual Stipends or Incomes of the said several Incumbents are small and inadequate and in order to promote the spiritual Interests of the said Inhabitants it is expedient to augment the same out of Funds now belonging to the Dean and Chapter of the Cathedral Church of the said City (the Rectors Impropriate of the said Parishes of Saint Cuthbert and Saint Mary), and payable to them by the Ecclesiastical Commissioners for England, under an Order of the Queen's most Excellent Majesty in Council, bearing Date the Tenth Day of November One thousand eight hundred and fifty-two, and for this Purpose to suspend the

 Canonry

Canonry of the said Cathedral which shall next fall vacant, and appropriate the Income thereof as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Canonry which shall first fall vacant to be suspended, and the Income divided between certain Incumbents.

I. The Canonry in the said Cathedral which shall first fall vacant after the *passing of this Act* shall be suspended, and the annual Income and Emoluments attached to the same shall be equally divided between the Incumbents of Saint Cuthbert's, Saint Mary's, Trinity Church, and Christ Church in the said City, and their Successors.

Ecclesiastical Commissioners to pay to Incumbents the Income of Canonry.

II. It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby empowered and required, from and after the Suspension of the said Canonry as herein-before provided, to pay over, yearly and every Year, in equal Shares, to the said Incumbents and their Successors, all such Monies as would if this Act had not been passed have been payable by them to the Person holding the said suspended Canonry.

In case the Money Payment now made to Dean and Chapter should be exchanged for Landed Estates, a Portion of the Rents to be paid to the said Incumbents.

III. And whereas under an Arrangement made by the said Commissioners, and confirmed by the Order in Council herein-before mentioned, the Money Payment now made to the said Dean and Chapter may hereafter be exchanged for Landed Estates, to be conveyed to and vested in the said Dean and Chapter: Be it enacted, That from and after the Transfer and vesting of the said Estates so much of the Rents and annual Proceeds and Profits thereof as would if this Act had not been passed have been payable to the Holder of the said suspended Canonry shall be paid, yearly and every Year, in equal Shares, to the said Incumbents and their Successors, any Law or Statute, Order or Usage, to the contrary in anywise notwithstanding.

Carlisle Canonries.

A

BILL

To appropriate the Income of such One of the Canonries of the Cathedral Church of Carlisle as shall next fall vacant to the Augmentation of certain Ecclesiastical Incumbencies in that City.

(Prepared and brought in by Mr. Ferguson, Mr. Marshall, and Mr. Charles Howard.)

Ordered, by The House of Commons, *to be Printed*, 1 *May* 1855.

[Bill 103.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to continue until the End of the present Session of Parliament a Provision contained in the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Thirty-five, concerning certain of the Estates of the Deans and Chapters of York and Carlisle.

WHEREAS by a certain Act of Parliament made and passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, intituled "An Act to make Provision concerning the future Regulation of certain Appointments connected with Cathedral and Collegiate Churches, and concerning certain of the Estates of the Deans and Chapters of York and Carlisle," it was enacted, that, notwithstanding anything in certain Orders in Council therein mentioned contained, none of the Monies or Estates transferred by the said Orders in Council, nor any Monies or Estates accruing from similar Commutations with any other Chapters, should, except as in the said Orders and in the said Act is respectively excepted, be applied to the Purposes of the Common Fund by the Ecclesiastical Commissioners previous to the First Day of January, which will be in the Year of Our

Preamble.

16 & 17 Vict. c. 35.

Our Lord One thousand eight hundred and fifty-five: And whereas Her Majesty has been graciously pleased to extend the Time for the Commissioners in the said Act mentioned to make their Report until the Tenth Day of May, which will be in the Year of Our Lord One thousand eight hundred and fifty-five: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Notwithstanding anything in the said Orders in Council contained, none of the said Monies or Estates transferred by the said Orders, nor any Monies or Estates accruing from similar Commutations with other Chapters, shall, except as in the said Orders and in the said recited Act is respectively excepted, be applied to the Purposes of the said Common Fund by the said Ecclesiastical Commissioners previous to the End of the present Session of Parliament.

Cathedral Appointments Act Continuance.

A

BILL

INTITULED

An Act to continue until the End of the present Session of Parliament a Provision contained in the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Thirty-five, concerning certain of the Estates of the Deans and Chapters of York and Carlisle.

(*Brought from the Lords* 7 *February* 1855.)

Ordered, by The House of Commons, *to be Printed*, 21 *February* 1855.

[Bill 31.]

Under 1 *oz.*

Charitable Trusts Bill (1855).

ARRANGEMENT OF CLAUSES.

The Charitable Trusts Act, 1853, and this Act, to be construed together; Sect. 1.

Repeal of the Provision for determining the Salary of the Third Commissioner [*Proposed to be inserted in Committee*].

The Acts of the Board, how to be authenticated; 2.

Entries in and Extracts from the Books of the Board, how to be authenticated; 3.

The Powers of the Commissioners and Inspectors to inquire into Charities extended; 4.

Power to require Transmission of Deeds and Documents belonging to Charities; 5.

Power to require Trustees and others to attend and be examined; 6.

Precepts or Orders for the preceding Purposes, how to be made; 7.

Persons not complying with Requisitions, &c. to be deemed guilty of a Contempt of the Court of Chancery; 8.

Persons making false Returns or Answers guilty of Misdemeanor; 9.

Power for the Board to employ Assistant Inspectors and Agents; 10.

Power to allow Remuneration to Assistant Inspectors and Agents, and Expenses to Witnesses, and to charge the Charity Funds; 11.

Power for the Board to make Orders for stated Purposes; 12.

Power to apportion Parochial Charities after Division of Parishes; 13.

Evidence as to annual Income of any Charity not exceeding 10*l.*; 14.

In Cases of Charities whose Income exceeds 10*l.* desirous of being placed under the Two preceding Sections; 15.

Removal of Master or Mistress of Endowed Schools; 16.

The Official Trustees of Charitable Funds may be empowered to call for Transfers to them of Stock, &c.; 17.

Notices to be given of certain Orders of the Board; 18.

Proceedings upon the Receipt of Objections or Suggestions; 19.

Orders may be appealed against; 20.

Who may be the Respondent on Appeals; 21.

Trustees may be appointed in certain Cases of Property vested in Corporations for Charitable Purposes; 22.

The Official Trustee of Charity Lands constituted; 23.

The Managing Trustees to grant Leases; 24.

Appointments of Official Trustees of Charitable Funds regulated; 25.

Such Trustees to have perpetual Succession, and may hold Funds in that Name; 26.

Funds to vest in the Official Trustees for the Time being; 27.

The Official Trustees to keep Banking Account; 28.

Mode of drawing on the Banking Account; 29.

As to Disposal of Principal Monies paid to them; 30.

All Dividends and Interest due to the Official Trustees of Charitable Funds to be placed to their Banking Account; 31.

For the Regulation of Transfers and Payments to or by the Official Trustees; 32.

Copies of Orders affecting the Account of the Official Trustees to be sent to the Board; 33.

Indemnity to the Bank and others; 34.

Restrictions of Charges and Leases of Charity Estates; 35.

Sinking Fund to be provided for paying off Mortgages in lieu of Provision in Mortgage Deeds; 36.

Extension of Power of Board as to Compromise of Claims; 37.

Board may authorize Partitions of Charity Estates; 38.

Board may authorize Payment for Equality of Exchange or Partition; 39.

Exchanges or Partitions authorized as under the General Inclosure Act; 40.

Definition of "Persons" interested; 41.

Notice to be given of Exchange and Partitions; 42.

Power to ascertain Lands charged with Rents to Charities; 43.

Expenses of Exchanges and Partitions, and determining Application of Charges; 44.

Incorporated Charities and Trustees for Charities may re-invest in Land; 45.

Order of Board for Investments to be carried into effect, and Costs to be raised; 46.

Board may direct Official Trustees to convey Lands, &c.; 47.

Leases, &c. to be valid, notwithstanding disabling Acts; 48.

Board

Board may approve Schemes for letting Charitable Property; 49.

Power to refer Bills of Costs in Charity Matters to Taxation; 50.

Amendment of Sect. 27. of principal Act; 51.

Deeds and Documents relating to Charities may be enrolled at the Office of the Board, and Copies of Enrolment to be Evidence; 52.

Office of the Commissioners substituted for the Office of Registrar of County Courts Judgments for the Purposes of Sect. 55. of principal Act; 53.

Amendment of Sect. 61. of the principal Act, and other Provision made as to the annual Returns of Accounts by Trustees of Charities; 54.

Board may make Orders as to Delivery and Publication of Account by Trustees, and as to the Form thereof; 55.

Provision enabling Members of exempted Charities to submit Disputes to Commissioners extended to other Charities; 56.

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B I L L

INTITULED

An Act to amend the Charitable Trusts Act, 1853.

[Note.—The Clause printed in Red Ink is proposed to be inserted in Committee.]

WHEREAS it is expedient to extend and amend the Charitable Trusts Act, 1853, as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

The Charitable Trusts Act, 1853, and this Act, to be construed together.

I. "The Charitable Trusts Act, 1853," herein-after called "the principal Act," and this Act, shall be construed together as One Act, and any Provisions of the principal Act inconsistent with this Act are hereby repealed.

Repeal of the Provision for determining the Salary of the Third Commissioner.

So much of the principal Act (Section IV.) as provides that after the Thirty-first Day of March One thousand eight hundred and fifty-seven an annual Salary shall be paid to One only of the Commissioners besides the Chief Commissioner is hereby repealed.

The Acts of the Board, how to be authenticated.

II. Every Act of the Board may be sufficiently authenticated by the Seal of the Commissioners, and the Signature of their Secretary or of One Commissioner, save where the Signatures of Two Commissioners are required, and in such Cases by the Seal of the Commissioners and such Two Signatures.

Entries in and Extracts from the Books of the Board, how to be authenticated.

III. All Orders, Certificates, Schemes, and other Documents issued under the Seal of the Board shall be deemed and taken to be the Originals, and Copies thereof shall be entered in the Books of the Board, and all such Entries may be sufficiently certified by the Signature of the Secretary or of One Commissioner: Every Order, Certificate, Scheme, and other Document purporting to be sealed with the Seal of the Board shall be received in Evidence without further Proof; and any Writing purporting to be a Copy extracted from the said Books, and to be certified as aforesaid, shall be received in Evidence in like Manner.

The Powers of the Commissioners and Inspectors to inquire into Charities extended.

IV. The Board, or any Commissioner or Inspector acting under the Authority of the Board, may require written Accounts and Statements and Answers to Inquiries relating to any Charity, or the Property or Income thereof, to be rendered or made to them respectively by all or any of the following Persons; that is to say,

Trustees or Persons acting or concerned in the Administration of the Charity, its Property or Income, or in the Receipt or Payment of any Monies thereof:

Agents of any such Trustees or Persons:

Depositaries of any Funds or Monies of the Charity:

Persons in the beneficial Receipt of any Funds thereof, or of any Income or Stipend therefrom:

Persons having the Possession or Control of any Documents concerning the Charity or any Property thereof:

And the Board or such Commissioner or Inspector may require the Persons rendering or making any such Account, Statement, or Answer to verify the same by Oath or otherwise, and may administer such Oath: Provided always, that nothing herein contained shall extend to give to the said Board or their Inspectors any Power of requiring from any Person holding or claiming to hold any Property whatsoever adversely to any Charity, or free or discharged from any Charitable Trust or Charge, any Information, or the Production of any Deed or Document whatever, in relation to the Property so held or claimed adversely, or any Charitable Trust or Charge alleged to affect the same.

Power to require Transmission of Deeds and Documents belonging to Charities.

V. The Board, or any Commissioner or Inspector acting as aforesaid, may further require any Persons having the Possession or Control of any Documents in which any Charity shall be solely interested to transmit the same to the Office of the Commissioners, for Examination.

Power to require Trustees and others to attend and be examined.

VI. The Board, or any Commissioner or Inspector acting as aforesaid, may require all or any such Trustees and Persons as aforesaid to attend before them respectively at such Times and Places as may be

be reasonably appointed, for the Purpose of being examined in relation to the Charity, and to answer such Questions as may be proposed to to them, and to produce upon such Examination any Documents in their Custody or Power relating to the Charity or the Property thereof, and may examine upon Oath or otherwise all such Persons and all Persons voluntarily attending, and may administer such Oath: Provided always, that no Person shall be obliged to travel in obedience to any such Requisition more than Ten Miles from his Place of Abode.

Precepts or Orders for the preceding Purposes, how to be made.

VII. All Requisitions made under the foregoing Authorities shall be made respectively by the Order of the Board, or by Precept, under the Hand of the Commissioner or Inspector making the same.

Persons not complying with Requisitions, &c. to be deemed guilty of a Contempt of the Court of Chancery.

VIII. Any Person refusing or wilfully neglecting to comply with any such Requisition, or with any Order of the Board, made under the Provisions of this Act, or the principal Act, or destroying or withholding any Document required to be produced or transmitted by him, shall be taken to be guilty of a Contempt of the High Court of Chancery, and shall be liable to be attached and committed by such Court on summary Application by the Commissioners to the same Court, or to any Judge thereof, and shall pay such Costs attending such Contempt as the said Court or Judge shall direct: Provided always, that the Court may at any Time discharge, on such Terms as it may deem just, any Person attached or committed on any such Application, or on any Application made under Section Fourteen of the Principal Act.

Persons making false Returns or Answers guilty of Misdemeanor.

IX. Any Person wilfully rendering or making to the Board or to any Commissioner or Inspector any false Account, Statement, or Answer shall be deemed guilty of a Misdemeanor, and being thereof convicted may be punished by Imprisonment, with or without Hard Labour, for any Term not exceeding Two Years.

Power for the Board to employ Assistant Inspectors and Agents.

X. The Board, for the convenient Prosecution of local Inquiry respecting any Charities, may employ, by Writing under their Seal, any fit Persons as their Assistant Inspectors, who shall have the same Authorities for those Purposes as might be exercised by any Inspector, except so far as such Authorities may be limited by the Order of the Board, for the Purposes only of such Inquiry; and the Board may also employ, in like Manner, such Surveyors and Agents as they may require, for ascertaining the Value of any Charity Estates, or the Expediency of any proposed Dealings therewith, or the Value of any Property proposed to be acquired or dealt with for the Purposes of the Charity, or for obtaining, examining, and auditing the Accounts of any Charity, which Accounts, with the Vouchers relating thereto,

thereto, shall be produced to such Person, upon his Requisition, or for serving any Orders, Precepts, or Notices, or for any other Purposes: Provided always, that not more than Five such local Agents shall be employed at any One Time without the express Authority of the Lord Chancellor.

Power to allow Remuneration to Assistant Inspectors and Agents, and Expenses to Witnesses, and to charge the Charity Funds.

XI. The Board may make or allow to any Persons so employed by them reasonable Payment for their Services and Expenses, and where they shall consider that any such Payments ought to be provided out of the Funds of the Charity, may order the Trustees or Administrators of the Charity to make such Payments out of the Income or Property thereof.

Power for the Board to make Orders for stated Purposes.

XII. The Board shall have Power, in respect of all Charities the gross annual Income whereof does not for the Time being exceed Ten Pounds, either on the Application of any Party or of their own Authority, subject to the Appeal herein-after provided, to make Orders for the following Purposes, and which shall be effectual for the same Purposes accordingly; that is to say,

(1.) For the Appointment of Trustees of any Charity in the Place of any former Trustees, or, for sufficient Reasons, to be stated in the Order, in addition to the existing Trustees, or where there may be no Trustees:

(2.) For the Removal of any Trustees thereof for sufficient Cause, to be stated in the Order.

(3.) For vesting any Real Estate of a Charity, except Copyhold Hereditaments, but including Leaseholds, in the Trustees thereof for the Time being, and for vesting in them any Copyhold Hereditaments, with the Consent of the Lord of the Manor for the Time being, or for enabling any Person to surrender the same to the Use of such Trustees:

(4.) For entitling such Trustees to call for a Transfer of any Stock in the Public Funds or of any Shares or Stock of any public Company respectively belonging to the Charity, and for vesting in them all Personal Estate thereof, including Choses in Action, and a Title to sue for the same:

(5.) For vesting any Real Estate of a Charity, except Copyhold Hereditaments, but including Leaseholds, and for vesting any Copyhold Hereditaments, with the Consent of the Lord of the Manor for the Time being, in the Official Trustee of Charity Lands:

(6.) For the Payment, Transfer, or Deposit of any Principal Monies, Stock in the Public Funds, or Stock or Shares of any public Company, or Securities belonging to a Charity, to or with the Official Trustees of Charitable Funds:

(7.) For

(7.) For entitling such Official Trustees to call for the Transfer of any such Stock or Shares:

(8.) For removing, for Reasons to be specified in the Order, Persons improperly placed or retained in any Almshouse or Charitable Institution:

(9.) For establishing any such Scheme for the Administration of a Charity as the Court of Chancery would have Jurisdiction to establish.

Power to apportion Parochial Charities after Division of Parishes.

XIII. Where any Parish or Ecclesiastical District entitled to the Benefit of a Charity has or shall have been divided into separate Parishes or Ecclesiastical Districts, and no Apportionment of Charities originally applicable to the Parish or District so divided shall have been made by Parliament or other competent Authority, the Board, in respect of all Charities the gross annual Income whereof does not for the Time being exceed Ten Pounds, may apportion the Benefit of the Charity between each new Parish or District, or any Portion thereof taken from the Parish or District originally entitled to the whole Benefit, and the Remainder of such last-mentioned Parish or District, in such Manner and such Proportions as, upon a Consideration of the Purposes of the Charity, the Population of each Parish or District, and other Circumstances, they may think fit, and may also apportion the principal Endowments between such Parishes or Districts, if it be thought fit, and may appoint separate Trustees of any Part of the Endowments.

Evidence as to annual Income of any Charity not exceeding 10*l.*

XIV. The Certificate of the Board, that according to their Judgment the gross yearly Income of any Charity does not for the Time being exceed Ten Pounds, shall be sufficient Evidence of the Amount of such annual Income for the Purpose of determining the Jurisdiction under the foregoing Provisions: Provided always, that in any Case in which it shall appear to the Commissioners to be inexpedient that they should exercise any of the aforesaid Powers, they may decline so to do, and may leave the Case to be dealt with as if this Act had not passed.

In Cases of Charities whose Income exceeds 10*l.* desirous of being placed under the Two preceding Sections.

XV. In case the Trustees or Governing Body or the Persons acting in the Administration of any Charity the gross Income of which shall exceed Ten Pounds, or a Majority of such Trustees or Governing Body or Persons so acting, shall be desirous of placing the same Charity under all or any of the Provisions aforesaid, it shall be lawful for them to apply for that Purpose, by Memorial or Petition, under their Common Seal if they shall be incorporated, or under their Hands if they shall be unincorporated, to the Board; and if the Board shall make an Order in compliance with such Memorial or Petition,

the Provisions of the preceding Sections to which such Order shall extend shall thenceforth be applicable to the Charity in the same Manner as if the yearly Income thereof did not exceed Ten Pounds, subject to the Appeal herein-after mentioned; and if the Commissioners shall in any Case consider that such Persons or Bodies so applying do not sufficiently represent the Opinions and Interests of the Persons beneficially entitled to the Charity Funds, or usually taking a Part in the Administration thereof, then the said Commissioners shall require the Consent of such other Bodies or Persons as they shall think expedient, in order that the Interests of the Charity may be fully represented and supported.

Removal of Master or Mistress of Endowed Schools.

XVI. In all Cases of endowed Schools, where there is no Endowment for the Salary of the Master or Mistress, or where any such Endowment does not exceed the annual Sum of Fifty Pounds, it shall be lawful for the said Board, subject to the Appeal herein-after mentioned, upon Proof to their Satisfaction that any such Master or Mistress has been negligent in performing his or her Duties, or that he or she is unfit or incompetent to discharge them properly, either from immoral Conduct, Age, or any other Cause whatsoever, to remove such Master or Mistress, and to charge the Salary of his or her Successors, or any other Portion of the Revenues of the Charity, with such retiring Pension or Allowance, if any, in favour of the Person so removed, and generally to impose such Conditions as to the said Board shall appear proper: Provided always, that where there shall be any special Visitor of the Charity the Consent of such Visitor in Writing under his Hand shall be necessary in order to such Removal: Provided always, that where any such School is in part supported by voluntary Subscriptions, no such Removal shall take place without the Consent of Two Thirds in Value of a Meeting of the Subscribers convened for the Purpose.

The Official Trustees of Charitable Funds may be empowered to call for Transfers to them of Stock, &c.

XVII. Any Court or Judge having Jurisdiction to order the Transfer of Stock in the Public Funds, or Stock or Shares of any public Company, to the Official Trustees of Charitable Funds, shall have Power also to authorize such Trustees to call for a Transfer of such Stock or Shares, and may also order the Payment to the same Trustees of any Principal Monies of any Charity, under the same Circumstances in which the Transfer of Stock to them may now be ordered.

Notices to be given of certain Orders of the Board.

XVIII. No Order for the Appointment or Removal of Trustees of any Charity, or for establishing any Scheme for the Administration or for apportioning the Benefits thereof, shall be made by the Board until after such public Notices shall have been given of

of the Proposal to make the same as the Board may consider expedient for insuring Publicity in each Parish or District in which the Charity is or ought to be applied, or among all Persons interested therein, nor until after the Expiration of One Month from the Publication of such Notice; and every such Notice shall contain (so far as conveniently may be) sufficient Particulars of the proposed Order to show the Objects thereof, and shall prescribe a Time within which any Objections thereto may be stated or transmitted to the Board.

Proceedings upon the Receipt of Objections or Suggestions.

XIX. All Objections which may be made to any proposed Order shall be considered by the Board, who may suspend the making thereof for further Inquiry, or may modify the same as may be found expedient; and a Copy of every such Order when made shall, in the Case of any local Charity, be deposited for the Space of One Month in some convenient Place within the Parish or One of the Parishes or the District in which the Charity is applicable, and also be open to Inspection at the Office of the Commissioners, and such Publicity shall be given thereto among all Persons interested in the Charity as the Board shall consider expedient; or if the Charity be not local then a Copy of such Order shall be open to Inspection at the Office of the Commissioners, and public Notice thereof shall be given in such Manner as to the Board shall seem fit, and in Cases where there is a special Visitor, Notice shall be given to him.

Orders may be appealed against.

XX. The Attorney General, or any Trustee or Person administering or interested or claiming to be interested in any Charity, the Subject of any Order of the Board made under the foregoing Powers, or Two Inhabitants of any Place within which the Charity shall be applicable, or any Person aggrieved by the same Order, may, within Six Months after the Publication thereof, but not afterwards, present a Petition to the Court of Chancery, in a summary Way, appealing against such Order, and praying such Relief as the Case may require; and the Court, upon the Hearing of such Petition, may receive any Evidence which it may think fit, and may confirm, vary, reverse, or annul the Order appealed against, or remit such Order to the Board for Reconsideration, with or without any Declaration in relation thereto, or may make any substitutive or other Order in relation to the Matter of the Appeal, and respecting the Costs, Charges, or Expenses incident thereto, as to the Court may seem just; and the Court, before hearing such Petition or during the Proceedings thereon, may require from the Board the Reasons for any Order made by them; but no such Petition of Appeal shall be presented by any Person, other than the Attorney General, until written Notice of the Intention to present the same shall have been delivered to the Commissioners at

their Office, under the Hand of the Appellant or his Agent, by the Space of Twenty-one Days at the least previously.

Who may be the Respondent on Appeals.

XXI. The Attorney General, if he think fit, may appear ex officio as the Respondent upon any such Appeal not made by himself, and where the Attorney General shall be the Appellant, and in any other Case in which he shall not think fit to appear as the Respondent, the Secretary of the Commissioners, or any Person appointed by them, may, by their Authority, appear as the Respondent; and all such Costs, Charges, and Expenses of the Attorney General or of the Secretary or Nominee of the Commissioners, as the Court may direct to be paid, shall be provided and paid out of the Property or Income of the Charity, or otherwise, as the Court may direct.

Trustees may be appointed in certain Cases of Property vested in Corporations for Charitable Purposes.

XXII. Where any Municipal Corporation in England or Wales not named in Schedule (A.) or Schedule (B.) of the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "for the Regulation of Municipal Corporations," or any of the Members of such Corporation in his or their corporate Capacity, shall be seised or possessed, either solely or together with any Person or Persons elected by such Corporation, or by any particular Member or Class of Members of such Corporation, of any Real or Personal Estate, wholly or partly upon any Charitable Trusts, and where any Corporation Sole or Aggregate shall be so seised or possessed or shall have the Management of any Real or Personal Property of any Charity, and shall also be Recipients of the Benefit thereof, it shall be lawful for the Court of Chancery, upon the Application of any Person authorized by the Board, or of the Attorney General, to appoint Trustees for the Management of the Charity, or of any Real or Personal Estate thereof, and to order that any such Real or Personal Estate shall be vested in or shall be transferred or paid to such Trustees, or to the Official Trustees of Charity Lands or Charitable Funds respectively; and any Order for vesting any Real Estate in such Trustees or Trustee shall be effectual without any Assurance; and any Order for vesting any Stock in the Public Funds or any Stock or Shares in any public Company in the newly-appointed Trustees, or in the Official Trustees of Charitable Funds, may also entitle them to call for a Transfer of such Stock or Shares respectively; and any Real or Personal Estate of which any such Corporation or any Members thereof shall not be divested, but of which new Managing Trustees shall be appointed, shall be held upon trust to be disposed of according to the Direction of such Managing Trustees.

The Official Trustee of

XXIII. The Secretary for the Time being of the Board shall be a Corporation Sole by the Name of "The Official Trustee of Charity Lands,"

Lands," for taking and holding Charity Lands, and by that Name (instead of the Name of "Treasurer of Public Charities") shall have perpetual Succession; and all Land, or Estates or Interests in Land, now vested in the "Treasurer of Public Charities" by that Name, shall become, upon the passing of this Act, and by virtue thereof, vested in like Manner, and upon the same Trusts, in "The Official Trustee of Charity Lands," and all Provisions of the principal Act which have reference to the Treasurer of Public Charities shall operate as if the Name of the "Official Trustee of Charity Lands" had been used therein instead of the Name of "Treasurer of Public Charities." Charity Lands constituted.

XXIV. The Managing Trustees of every Charity, or the Majority of them, provided that such Majority do not consist of less than Three Persons, shall have at Law and in Equity Power to grant all such Leases or Tenancies of Land belonging thereto, and vested in the Official Trustee of Charity Lands, as they would have Power to grant in the due Administration of the Charity if the same Land were legally vested in themselves; and all Covenants, Conditions, and Remedies contained in or incident to any Lease or Tenancy so granted shall be enforceable by and against the Trustees or Persons acting in the Administration of the Charity for the Time being, and their Alienees or Assigns, in like Manner as if such Lands had been legally vested in the Trustees granting such Lease or Tenancy at the Time of the Execution thereof, and had legally remained in or had devolved to such Trustees or Administrators for the Time being, their Alienees or Assigns, subject to the same Lease or Tenancy. The Managing Trustees to grant Leases.

XXV. The Lord Chancellor may from Time to Time by Writing under his Hand appoint any Persons to be, jointly with the Secretary for the Time being of the said Board, the Official Trustees of Charitable Funds, and remove any such Trustees, and every such Appointment or Removal shall be published in the London Gazette. Appointments of Official Trustees of Charitable Funds regulated.

XXVI. The present Official Trustees of Charitable Funds, and their Successors, to be so appointed, shall have perpetual Succession by the Name of "The Official Trustees of Charitable Funds," and may hold by that Name Stock in the Public Funds, and Stock and Shares of any public Company, Securities, and Monies, which shall respectively devolve to their Successors, the Official Trustees of Charitable Funds for the Time being, without Transfer or Assignment. Such Trustees to have perpetual Succession, and may hold Funds in that Name.

XXVII. All Stock in the Public Funds vested in the joint Names of Henry Morgan Vane, Thomas Hare, and Walker Skirrow, Esquires, Funds to vest in the Official Trustees for the Time being.

Esquires, the present Official Trustees of Charitable Funds, shall upon the passing of this Act be transferred by the Governor and Company of the Bank of England from their Names to the Account of the Official Trustees of Charitable Funds.

The Official Trustees to keep Banking Account.

XXVIII. The Official Trustees of Charitable Funds shall, for the Purposes of their Trust, keep a Banking Account in their official Name in the Books of the Governor and Company of the Bank of England, and the Secretary of the Board shall keep separate Accounts of the Monies held upon such Account, and belonging to each separate Charity.

Mode of drawing on the Banking Account.

XXIX. All Orders for Payment of any Money held upon such Banking Account shall be signed by One at least of the Official Trustees of Charitable Funds, not being the Secretary of the Board, and also by the Secretary, and shall be countersigned by One of the Commissioners, or shall be otherwise signed or authenticated in such Manner as the Lord Chancellor shall from Time to Time by Order under his Hand direct; and such Orders shall be a sufficient Authority to the Bank paying the same for all such Payments.

As to Disposal of Principal Monies paid to them.

XXX. All Principal Monies belonging to any Charity directed to be paid to the Official Trustees of Charitable Funds shall be paid to their Account at the Bank, and, subject to any Order of the Court or Judge or of the Board by which respectively the Payment shall have been authorized, shall be forthwith invested in the Public Funds in the Names of the Official Trustees of Charitable Funds, for the Benefit of the Charity to which they shall belong.

All Dividends and Interest due to the Official Trustees of Charitable Funds to be placed to their Banking Account.

XXXI. The Dividends arising from all Stock in the Public Funds standing in the Name of the Official Trustees of Charitable Funds shall from Time to Time be received by the Governor and Company of the Bank of England, under the Authority of this Act, for the Credit of the said Official Trustees, and shall be placed to their Banking Account accordingly; and all Dividends and Interest arising from any other Stock, Shares, or Securities standing in the Name of or held by the Official Trustees of Charitable Funds shall be paid only to the Governor and Company of the Bank of England for the Account of the same Trustees; and the said Trustees shall from Time to Time execute to the said Governor and Company all such Powers as shall be found necessary for enabling them to receive and give effectual Discharges for the last-mentioned Dividends and Interest.

For the Regulation of

XXXII. No Transfer of any Stock, Shares, or Securities shall be made to the Official Trustees of Charitable Funds, nor shall any Money

Money other than the Dividends or Interest of any such Stock, Shares, or Securities as aforesaid be paid to their Account, except in pursuance of an Order of the Court of Chancery, or of some Judge thereof, or of a District Court of Bankruptcy or County Court, or of the Board; and no Transfer of any such Stock, Shares, or Securities shall be made by the Official Trustees, except under the Order of such Court or Judge, or under the Order of the Board signed by Two Commissioners, or authenticated in such Manner as the Lord Chancellor from Time to Time by any Order under his Hand direct; and no Transfer to or by the Official Trustees shall be permitted by the Governor and Company of the Bank of England or any other Company contrary to this Provision.

Transfers and Payments to or by the Official Trustees.

XXXIII. Copies of all Orders made by any Court or Judge for any Transfer, Deposit, or Payment of Stock, Shares, Securities, or Monies to or by the Official Trustees of Charitable Funds shall be forthwith transmitted to the Board by the Parties obtaining such Orders.

Copies of Orders affecting the Account of the Official Trustees to be sent to the Board.

XXXIV. Every Order made under the principal Act or this Act, requiring or authorizing the Transfer, Payment, or Deposit of any Stock, Shares, Securities, or Monies to or with the Trustees of any Charity or the Official Trustees of Charitable Funds, or conferring a Right to call for such Transfer, shall be a complete Indemnity to the Governor and Company of the Bank of England and all Companies and Persons for any Act done pursuant to such Order; and the said Governor and Company and other Companies and Persons shall be required to give effect or to conform to every such Order, and it shall not be necessary for them to inquire concerning the Propriety of such Order, or the Jurisdiction of the Court or Judge or the Board to make the same.

Indemnity to the Bank and others.

XXXV. It shall not be lawful for the Trustees or Persons acting in the Administration of any Charity to make or grant, otherwise than with the express Authority of Parliament, or of a Court or Judge of competent Jurisdiction, or according to a Scheme legally established, or with the Approval of the Board, any Mortgage or Charge of the Charity Estate, or any Lease thereof in Reversion after more than Three Years of any existing Term, or for any Term of Life, or in consideration wholly or in part of any Fine, or for any Term of Years exceeding Twenty-one Years.

Restrictions of Charges and Leases of Charity Estates.

XXXVI. So much of Section Twenty-one of the principal Act as requires a compulsory Provision to be inserted in every Mortgage for the Payment of the Principal Money borrowed by annual Instal-

Sinking Fund to be provided for paying off

Mortgages in lieu of Provision in Mortgage Deeds.

ments, and for the Redemption and Reconveyance of the mortgaged Estates within the Period of not more than Thirty Years, is hereby repealed; but the Board authorizing any Mortgage to be made of any Charity Estate shall make such Provisions, by the same or any other Order, as to them may seem necessary, for directing the Trustees or Persons administering the Charity to discharge the Principal Debt or any Part thereof by such yearly or other Instalments within Thirty Years from the Date of the Security as to the said Board may seem fit, or to form an Accumulation or Sinking Fund out of the Income of the Charity for discharging the Principal Debt or any Portion thereof within the same Period, and shall give Directions as to the Investment and Accumulation of such Fund, and the Trustees for the Time being, or Persons administering the Charity, shall carry such Order into effect.

Extension of Power of Board as to Compromise of Claims.

XXXVII. The Twenty-third Section of the principal Act shall extend to authorize a Compromise or Adjustment of any Claim, Demand, or Cause of Suit against any Charity, or the Trustees or Administrators thereof, and the Order of the Board in relation thereto shall have the like Effect as in the Case of any Compromise or Adjustment for which Provision is made by the said Section.

Board may authorize Partitions of Charity Estates.

XXXVIII. The Board, upon the Application of the Trustees or Persons acting in the Administration of any Charity, may authorize a Partition of any Land whereof any undivided Share shall belong thereto, and the Receipt or Payment of any Money for Equality of Partition, and may give any Directions in relation thereto, and for securing the due Investment or Disposal of any Money to be received for Equality of Partition, which Directions the Trustees or Administrators of the Charity shall carry into effect.

Board may authorize Payment for Equality of Exchange or Partition.

XXXIX. The Board may authorize the Application of any Funds belonging to any Charity in Payments for Equality of Exchange or Partition, or in Payment of any Expenses incident thereto, or may authorize the Trustees to raise any Money for such Purposes by Mortgage of any Land acquired on such Exchange or Partition, or belonging to the Charity.

Exchanges or Partitions authorized as under the General Inclosure Act.

XL. It shall be lawful for the Trustees or Administrators of any Charity desirous of effecting any Exchange or Partition of Land belonging thereto, and the Persons interested in the Land proposed to be given in Exchange or Partition to the Charity according to the Definition of "Persons interested" herein-after contained, to make Application to the Board to effect such Exchange or Partition; and if it shall appear to the Board that the proposed Exchange or Partition will

will be beneficial to the Charity, it shall be lawful for them to frame, and, unless Notice of Dissent be given as herein-after provided, to confirm an Order of Exchange or Partition specifying the Lands to be given and taken in Exchange by or allotted in Severalty to the several Parties, and such Order of Exchange shall be made in Duplicate, and so many Originals of such Order of Partition shall be made as there shall have been Parties interested in undivided Shares of the Land partitioned, and One Part of such Order of Exchange or Partition shall be given to each Party, and such Order shall be conclusive, and not liable to be impeached by reason of any Infirmity of Estate or Defect of Title of any Person upon whose Application the same shall have been made; and the Land taken upon such Exchange or allotted in Severalty upon such Partition shall enure to and upon the same Uses and Trusts, and subject to the same Conditions and Charges, as the Land given in Exchange, or (as the Case may be) the undivided Part in respect whereof the Allotment in Partition shall have been made, would have stood limited or subject to if no such Order had been made: Provided always, that no such Exchange or Partition shall be made of Land held in right of any Church, Chapel, or Ecclesiastical Benefice, without the Consent in Writing of the Bishop of the Diocese and the Patron of such Benefice.

Definition of "Persons" interested.

XLI. The following Persons shall be taken to be Persons interested in Land for the Purposes of the last foregoing Section; that is to say,

All Persons in the actual Possession or Receipt of the Rents and Profits of such Land, except Claimants under any Lease or Agreement for a Lease for any Term of Years not exceeding Fourteen Years from the Commencement thereof, or under any Lease or Agreement for a Lease for any Term of Life or Years, upon which a Rent equal to Two-third Parts or more of the clear yearly Value of the demised Premises shall have been reserved, or for any Tenancy from Year to Year, or at Will only, or by Sufferance:

And all Persons entitled to such Land in reversion immediately expectant on the Determination of or subject to any such Lease, Agreement, or Tenancy as aforesaid:

And where any Lease or Agreement for a Lease of such Land shall be subsisting for any Term of Life, or for any Term of Years exceeding Fourteen Years from the Commencement thereof, upon which a Rent of less than Two Thirds of the net yearly Value of the demised Premises shall have been reserved, then the Person for the Time being liable to pay such Rent, and the Person for the Time being entitled to receive the same Rent, shall together be taken to be the Persons interested:

And where any Person shall be in possession of the Land, or in receipt of the Rents and Profits thereof, by virtue of any Sequestration, Extent, Elegit, or Writ of Execution, or as a Receiver under the Order of a Court of Equity, such Person, and the Person who for the Time being would be interested in the same Land, according to the foregoing Definitions, if no such Sequestration, Extent, Elegit, Writ, or Order were in force shall together be taken to be the Persons interested.

Notice to be given of Exchange and Partitions.

XLII. No Order of Exchange or Partition shall be confirmed by the Board between the Trustees or Administrators of any Charity and Persons having only a limited Interest in the Lands to be received by them upon the proposed Exchange or Partition, until Notice shall have been given of the proposed Exchange or Partition by Advertisement in Three successive Weeks in some Newspaper usually circulated in the County or District in which the Lands proposed to be given in Exchange to and by the Charity or to be partitioned are respectively situate, or until Three Months shall have elapsed from the Publication of the last of such Advertisements; and if before the Expiration of such Three Months any Person entitled to any Estate in or Charge upon any Land included in such proposed Exchange or Partition shall give Notice in Writing to the Board of his Dissent from such proposed Exchange or Partition, the Board shall not confirm an Order for the same until such Dissent shall be withdrawn, or the Estate or Charge of the dissenting Party shall have ceased.

Power to ascertain Lands charged with Rents to Charities.

XLIII. Where there shall be Uncertainty as to the specific Part of any Lands out of which any Rent, Annuity, or other periodical Payment, not exceeding the yearly Sum of Ten Pounds, charged upon some Part of the same Lands, for the Benefit of a Charity, shall be payable, it shall be lawful for the Board, upon the Application of the Trustees or Persons acting in the Administration of the Charity, and with the Consent of the Persons interested according to the aforesaid Definition of "Persons interested" in the same Lands, to determine by their Order the Land charged with such Rent, Annuity, or other periodical Payment, which shall thenceforth stand charged with such Rent, Annuity, or periodical Payment accordingly, to the Exoneration of the Residue of such Lands therefrom.

Expenses of Exchanges and Partitions, and determining Application of Charges.

XLIV. The Expenses incident to the Application for and procuring of any such Order of Exchange or Partition, or Order determining the Land charged with any Rent, Annuity, or periodical Payment, shall be paid by the Trustees or Administrators of the Charity, or by the other Parties to such Transactions, or by both, as the Board may direct.

XLV. The

Incorporated Charities and Trustees for Charities may re-invest in Land.

XLV. The Trustees, whether incorporated or not, of any Charity, may, with the Consent of the Board, invest Money arising from any Sale of Land belonging to the Charity, or received by way of Equality of Exchange or Partition, in the Purchase of Land, and may hold such Land, or any Land acquired by way of Exchange or Partition, for the Benefit of such Charity, without any Licence in Mortmain.

Order of Board for Investments to be carried into effect, and Cost to be raised.

XLVI. All Orders of the Board for the Investment of Money coming to any Charity or the Trustees thereof on any Sale, Exchange, or Partition shall be carried into effect by the Trustees or Persons administering the Charity; and all Monies which the Board shall order to be provided out of any Income or Property of a Charity for the Payment of the Costs of any such Transaction shall be provided or raised by the Trustees or Administrators of the Charity and applied accordingly.

Board may direct Official Trustees to convey Lands, &c.

XLVII. It shall be lawful for the Board to authorize or order and direct the Official Trustee of Charity Lands and the Official Trustees of Charitable Funds respectively to convey Lands, and to assign, transfer, and pay over Stocks, Funds, Monies, and Securities, as the Board shall think expedient.

Leases, &c. to be valid, notwithstanding disabling Acts.

XLVIII. All Leases, Sales, Exchanges, Partitions, and Transactions authorized by the Board under the principal Act or this Act shall be valid and effectual, notwithstanding the Act of the Thirteenth Year of the Reign of Queen Elizabeth, Chapter Ten, the Acts of the Fourteenth Year of the same Queen, Chapters Eleven and Fourteen, and the Acts of the Eighteenth Year of the same Queen, Chapters Six and Eleven.

Board may approve Schemes for letting Charitable Property.

XLIX. It shall be lawful for the Board to prepare, and under their Seal to approve, of any Scheme for the letting of the Property or any Part of the Property of any Charity; and all Leases granted by any Trustees or Persons acting in the Management of any Charity, pursuant to or in conformity with such Scheme, shall be valid.

Power to refer Bills of Costs in Charity Matters to Taxation.

L. The Board may order the Bill of Costs or Charges claimed by any Attorney or Solicitor on account of Business conducted or transacted by him on behalf of any Charity or the Trustees thereof to be examined and taxed by the Taxing Masters of the Court of Chancery, or by the proper Taxing Officers of any of the Superior Courts at Westminster, who shall proceed to examine and tax the same Bill accordingly; and if the same shall be reduced upon such Taxation by the Amount of One-sixth Part or more of the Amount thereof, the Costs of the Taxation shall be paid by such Attorney or Solicitor, but otherwise out of the Funds of the Charity by the

Trustees thereof; and the Board may, after being satisfied as to any Bill that it contains exorbitant Charges, order any such Bill to be so taxed, notwithstanding that the same may have been paid by the Trustees of the Charity at any Period not more than Six Calendar Months previously to such Order; and any Amount taxed off any such paid Bill shall be a Debt due from the Attorney or Solicitor to the Trustees of the Charity, and shall be forthwith paid by him to such Trustees accordingly.

Amendment of Sect. 27. of principal Act.

LI. Section Twenty-seven of "The Charitable Trusts Act, 1853," shall be construed and operate as if the Words "and the "Trustees of the Charity shall be legally authorized to purchase and "hold such Land" had been omitted therefrom; and incorporated Trustees of any Charity shall be competent to purchase and hold Lands for the Purposes mentioned in the same Section without Licence in Mortmain.

Deeds and Documents relating to Charities may be enrolled at the Office of the Board, and Copies of Enrolment to be Evidence.

LII. Any Deed, Will, or Document relating to any Charity may be enrolled by the Board in Books to be provided and kept by them for that Purpose at their Office, and a Copy of any such Deed, Will, or Document made from such Books, and certified under the Hand of the Secretary or One of the Commissioners, shall be received as Evidence of the Contents of the same Deed, Will, or Document.

Office of the Commissioners substituted for the Office of Registrar of County Courts Judgments for the Purposes of Sect. 55. of principal Act.

LIII. The Fifty-fifth and Fifty-ninth Sections of the principal Act shall be construed and operate as if the Words "The Office of the Board" had been inserted therein in the Place of the Words "the Office in London of the Registrar of County Courts Judgments."

Amendment of Sect. 61. of the principal Act, and other Provision made as to the annual Returns of Accounts by Trustees of Charities.

LIV. Section Sixty-one of "The Charitable Trusts Act, 1853," except so much thereof as enacts that the Trustees or Persons acting in the Administration of every Charity shall, in Books to be kept by them for that Purpose, regularly enter or cause to be entered full and true Accounts of all Money received and paid respectively on account of such Charity, shall be repealed as to all Accounts which such Trustees or Administrators shall not have been bound to render before the passing of this Act; and the Trustees or Administrators of every Charity shall, on or before the Twenty-fifth Day of March One thousand eight hundred and fifty-six, prepare and make out and transmit to the Board an Account of the Endowments then belonging to the Charity, showing in the Case of Realty not in hand the Manner in which the same is let or occupied, and in the Case of Personalty the existing Investment or Employment thereof, and in what Names such Investments are made, with Liberty, however, in lieu of stating the Particulars aforesaid, to refer to any such Account of the Endowments of the Charity in question which may be contained in

in any Report of the Commissioners for Inquiry concerning Charities, printed under the Authority of Parliament, so far as such last-mentioned Account shall then be applicable; and such Trustees or Administrators shall also on or before the Twenty-fifth Day of March next after the Acquisition of any Endowment not included in the foregoing Account prepare and make out, in like Manner, and transmit to the Board, a similar Account of such last-mentioned Endowment, and such Trustees or Administrators shall also, on or before the Twenty-fifth Day of March in every Year, or such other Day as may be fixed for that Purpose by the Board, or as may have been already fixed for rendering the Accounts thereof required by the principal Act, prepare and make out the following Accounts in relation thereto; (that is to say,)

(1.) An Account of all Balances in hand at the Commencement of the Year, and of all Monies received during the same Year on account of the Charity:

(2.) An Account for the same Period of all Payments:

(3.) An Account of all Monies owing to or from the Charity, so far as conveniently may be:

which Accounts shall be certified under the Hand of One or more of the said Trustees or Administrators, and shall be audited by the Auditor of the Charity, if any; and the said Trustees or Administrators shall, within Fourteen Days after the Day appointed for making out such Accounts, deliver or transmit a Copy thereof to the Commissioners at their Office in London; and every such Copy shall be open to the Inspection of all Persons, at all seasonable Hours, subject to such Regulations as to the said Board may seem fit; and any Person may require a Copy of every such Account or of any Part thereof, on paying therefore after the Rate of Twopence for every Seventy-two Words or Figures.

Board may make Orders as to Delivery and Publication of Account by Trustees, and as to the Form thereof.

LV. The Board may from Time to Time make such Orders as they may think fit in relation to the Delivery or Transmission of the said Accounts, and the Forms of such Accounts, and such Orders shall be executed by all Trustees and Persons from whom the Accounts to which they may relate are required.

Provision enabling Members of exempted Charities to submit Disputes to Commissioners extended to other Charities.

LVI. The Sixty-fourth Section of the principal Act shall apply as well to Members of any Charity within the Operation of that Act as to Members of any Charity exempted from the Operation thereof.

Act not to extend to Eton or Winchester.

LVII. Nothing in this Act or in the principal Act contained shall extend to the Colleges of Eton and Winchester, or either of them.

Short Title.

LVIII. This Act may be cited as "The Charitable Trusts Amendment Act, 1855."

Charitable Trusts (1855).

A

BILL

INTITULED

An Act to amend the Charitable Trusts Act, 1853.

(*Brought from the Lords* 26 *June* 1855.)

Ordered, by The House of Commons, *to be Printed*, 26 *June* 1855.

[Bill 198.]

Under 3 *oz.*

Charitable Trusts Bill (1855).

[AS AMENDED IN COMMITTEE].

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The Charitable Trusts Act, 1853, and this Act, to be construed together; Sect. 1.

Repeal of the Provision for determining the Salary of the Third Commissioner; 2.

Clause A. Power to appoint additional Inspectors; 3.

The Acts of the Board, how to be authenticated; 4.

Entries in and Extracts from the Books of the Board, how to be authenticated; 5.

The Powers of the Commissioners and Inspectors to inquire into Charities extended; 6.

Power to require Trustees and others to attend and be examined; 7.

Precepts or Orders for the preceding Purposes, how to be made; 8.

Persons not complying with Requisitions, &c. to be deemed guilty of a Contempt of the Court of Chancery; 9.

Power to apportion Parochial Charities after Division of Parishes; 10.

Evidence as to annual Income of any Charity not exceeding 30*l.*; 11.

The Official Trustees of Charitable Funds may be empowered to call for Transfers to them of Stock, &c.; 12.

Notices to be given of certain Orders of the Board; 13.

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The Official Trustee of Charity Lands constituted; 15.

Appointments of Official Trustees of Charitable Funds regulated; 16.

Such Trustees to have perpetual Succession, and may hold Funds in that Name; 17.

Funds to vest in the Official Trustees for the Time being; 18.

The Official Trustees to keep Banking Account; 19.

Mode of drawing on the Banking Account; 20.

Clause B. Trustees may transfer Stock to Official Trustees; 21.

As to Disposal of Principal Monies paid to them; 22.

All Dividends and Interest due to the Official Trustees of Charitable Funds to be placed to their Banking Account; 23.

For the Regulation of Transfers and Payments to or by the Official Trustees; 24.

Copies of Orders affecting the Account of the Official Trustees to be sent to the Board; 25.

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Board may authorize Payment for Equality of Exchange or Partition; 30.

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Order of Board for Investments to be carried into effect, and Costs to be raised; 34.

Board may direct Official Trustees to convey Lands, &c.; 35.

Leases, &c. to be valid, notwithstanding disabling Acts; 36.

Board may approve Schemes for letting Charitable Property; 37.

Power to refer Bills of Costs in Charity Matters to Taxation; 38.

Amendment of Sect. 27. of principal Act; 39.

Deeds and Documents relating to Charities may be enrolled at the Office of the Board, and Copies of Enrolment to be Evidence; 40.

Office of the Commissioners substituted for the Office of Registrar of County Courts Judgments for the Purposes of Sect. 55. of principal Act; 41.

Amendment of Sect. 61. of the principal Act, and other Provision made as to the annual Returns of Accounts by Trustees of Charities; 42.

Board may make Orders as to Delivery and Publication of Account by Trustees, and as to the Form thereof; 43.

Provision enabling Members of exempted Charities to submit Disputes to Commissioners extended to other Charities; 44.

Clause C. Acts not to apply to Roman Catholic Charities until 1st September 1856; 45.

Clause D. Interpretation; 46.

Act not to extend to Eton or Winchester; 47.

Short Title; 48.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Charitable Trusts Act, 1853.

[Note.—*The Clauses* A. *to* D. *were added in Committee.*]

WHEREAS it is expedient to extend and amend the Charitable Trusts Act, 1853, as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

The Charitable Trusts Act, 1853, and this Act, to be construed together.

I. "The Charitable Trusts Act, 1853," herein-after called "the principal Act," and this Act, shall be construed together as One Act, and any Provisions of the principal Act inconsistent with this Act are hereby repealed.

Repeal of the Provision for determining the Salary of the Third Commissioner.

II. So much of the principal Act (Section IV.) as provides that after the Thirty-first Day of March One thousand eight hundred and fifty-seven an annual Salary shall be paid to One only of the Commissioners besides the Chief Commissioner is hereby repealed.

Clause A. Power to appoint additional Inspectors.

III. It shall be lawful for Her Majesty and Her Successors under the Royal Sign Manual to appoint additional Inspectors (not exceeding Three in Number) for the Purposes of this Act, and the Charitable Trusts Act, 1853, and such additional Inspectors shall

hold Office during Pleasure, and shall be possessed of the same Powers, Authorities, and Jurisdiction, and be entitled to the same Privileges and Emoluments, as the Inspectors appointed under the said former Act of One thousand eight hundred and fifty-three.

The Acts of the Board, how to be authenticated.

IV. Every Act of the Board may be sufficiently authenticated by the Seal of the Commissioners, and the Signature of their Secretary, or in his Absence of the Chief Clerk.

Entries in and Extracts from the Books of the Board, how to be authenticated.

V. All Orders, Certificates, Schemes, and other Documents issued under the Seal of the Board shall be deemed and taken to be the Originals, and Copies thereof shall be entered in the Books of the Board, and all such Entries may be sufficiently certified by the Signature of the Secretary, or in his Absence of the Chief Clerk: Every Order, Certificate, Scheme, and other Document purporting to be sealed with the Seal of the Board shall be received in Evidence without further Proof; and any Writing purporting to be a Copy extracted from the said Books, and to be certified as aforesaid, shall be received in Evidence in like Manner.

The Powers of the Commissioners and Inspectors to inquire into Charities extended.

VI. The Board, or any Commissioner or Inspector, such Inspector acting under the Authority of the Board, may require written Accounts and Statements and Answers to Inquiries relating to any Charity, or the Property or Income thereof, to be rendered or made to them respectively by all or any of the following Persons; that is to say,

Trustees or Persons acting or concerned in the Administration of the Charity, its Property or Income, or in the Receipt or Payment of any Monies thereof:

Agents of any such Trustees or Persons:

Depositaries of any Funds or Monies of the Charity:

Persons in the beneficial Receipt of any Funds thereof, or of any Income or Stipend therefrom:

Persons having the Possession or Control of any Documents concerning the Charity or any Property thereof:

And the Board or the Commissioner or Inspector may require the Persons rendering or making any such Account, Statement, or Answer to verify the same by Oath or otherwise, and may administer such Oath: Provided always, that nothing herein contained shall extend to give to the said Board or their Inspectors any Power of requiring from any Person holding or claiming to hold any Property whatsoever adversely to any Charity, or free or discharged from any Charitable Trust or Charge, any Information, or the Production of any Deed or Document whatever, in relation to the Property so held or claimed adversely,

adversely, or any Charitable Trust or Charge alleged to affect the same.

Power to require Trustees and others to attend and be examined.

VII. The Board, or any Commissioner or Inspector acting as aforesaid, may require all or any such Trustees and Persons as aforesaid to attend before them respectively at such Times and Places as may be reasonably appointed, for the Purpose of being examined in relation to the Charity, and to answer such Questions as may be proposed to to them, and to produce upon such Examination any Documents in their Custody or Power relating to the Charity or the Property thereof, and may examine upon Oath or otherwise all such Persons and all Persons voluntarily attending, and may administer such Oath: Provided always, that no Person shall be obliged to travel in obedience to any such Requisition more than Ten Miles from his Place of Abode.

Precepts or Orders for the preceding Purposes, how to be made.

VIII. All Requisitions made under the foregoing Authorities shall be made respectively by the Order of the Board, or by Precept, under the Hand of the Commissioner or Inspector making the same.

Persons not complying with Requisitions, &c. to be deemed guilty of a Contempt of the Court of Chancery.

IX. Any Person refusing or wilfully neglecting to comply with any such Requisition, or with any Order of the Board, made under the Provisions of this Act, or the principal Act, or destroying or withholding any Document required to be produced or transmitted by him, shall be taken to be guilty of a Contempt of the High Court of Chancery, and shall be liable to be attached and committed by such Court on summary Application by the Commissioners to the same Court, or to any Judge thereof, and shall pay such Costs attending such Contempt as the said Court or Judge shall direct: Provided always, that the Court may at any Time discharge, on such Terms as it may deem just, any Person attached or committed on any such Application, or on any Application made under Section Fourteen of the principal Act.

Power to apportion Parochial Charities after Division of Parishes.

X. Where any Parish or Ecclesiastical District entitled to the Benefit of a Charity has or shall have been divided into separate Parishes or Ecclesiastical Districts, and no Apportionment of Charities originally applicable to the Parish or District so divided shall have been made by Parliament or other competent Authority, the Board, in respect of all Charities the gross annual Income whereof does not for the Time being exceed Thirty Pounds, may apportion the Benefit of the Charity between each new Parish or District, or any Portion thereof taken from the Parish or District originally entitled to the whole Benefit, and the Remainder of such last-mentioned Parish or District, in such Manner and such Proportions as, upon a Consideration of the Purposes of the Charity, the Population of each Parish or District,

and other Circumstances, they may think fit, and may also apportion the principal Endowments between such Parishes or Districts, if it be thought fit, and may appoint separate Trustees of any Part of the Endowments.

Evidence as to annual Income of any Charity not exceeding 30*l.*

XI. The Certificate of the Board, that according to their Judgment the gross yearly Income of any Charity does not for the Time being exceed Thirty Pounds, shall be sufficient Evidence of the Amount of such annual Income for the Purpose of determining the Jurisdiction under the foregoing Provision.

The Official Trustees of Charitable Funds may be empowered to call for Transfers to them of Stock, &c.

XII. Any Court or Judge having Jurisdiction to order the Transfer of Stock in the Public Funds, or Stock or Shares of any public Company, to the Official Trustees of Charitable Funds, shall have Power also to authorize such Trustees to call for a Transfer of such Stock or Shares, and may also order the Payment to the same Trustees of any Principal Monies of any Charity, under the same Circumstances in which the Transfer of Stock to them may now be ordered.

Notices to be given of certain Orders of the Board.

XIII. No Order for apportioning the Benefits of any Charity shall be made by the Board until after such public Notices shall have been given of the Proposal to make the same as the Board may consider expedient for insuring Publicity in each Parish or District in which the Charity is or ought to be applied, or among all Persons interested therein, nor until after the Expiration of One Month from the Publication of such Notice; and every such Notice shall contain (so far as conveniently may be) sufficient Particulars of the proposed Order to show the Objects thereof, and shall prescribe a Time within which any Objections thereto may be stated or transmitted to the Board.

Proceedings upon the Receipt of Objections or Suggestions.

XIV. All Objections which may be made to any proposed Order shall be considered by the Board, who may suspend the making thereof for further Inquiry, or may modify the same as may be found expedient; and a Copy of every such Order when made shall, in the Case of any local Charity, be deposited for the Space of One Month in some convenient Place within the Parish or One of the Parishes or the District in which the Charity is applicable, and also be open to Inspection at the Office of the Commissioners, and such Publicity shall be given thereto among all Persons interested in the Charity as the Board shall consider expedient; or if the Charity be not local then a Copy of such Order shall be open to Inspection at the Office of the Commissioners, and public Notice thereof shall be given in such

such Manner as to the Board shall seem fit, and in Cases where there is a special Visitor, Notice shall be given to him.

The Official Trustee of Charity Lands constituted.

XV. The Secretary for the Time being of the Board shall be a Corporation Sole by the Name of "The Official Trustee of Charity Lands," for taking and holding Charity Lands, and by that Name (instead of the Name of "Treasurer of Public Charities") shall have perpetual Succession; and all Land, or Estates or Interests in Land, now vested in the "Treasurer of Public Charities" by that Name, shall become, upon the passing of this Act, and by virtue thereof, vested in like Manner, and upon the same Trusts, in "The Official Trustee of Charity Lands," and all Provisions of the principal Act which have reference to the Treasurer of Public Charities shall operate as if the Name of the "Official Trustee of Charity Lands" had been used therein instead of the Name of "Treasurer of Public Charities."

Appointments of Official Trustees of Charitable Funds regulated.

XVI. The Lord Chancellor may from Time to Time by Writing under his Hand appoint any Persons to be, jointly with the Secretary for the Time being of the said Board, the Official Trustees of Charitable Funds, and remove any such Trustees, and every such Appointment or Removal shall be published in the London Gazette.

Such Trustees to have perpetual Succession, and may hold Funds in that Name.

XVII. The present Official Trustees of Charitable Funds, and their Successors, to be so appointed, shall have perpetual Succession by the Name of "The Official Trustees of Charitable Funds," and may hold by that Name Stock in the Public Funds, and Stock and Shares of any public Company, Securities, and Monies, which shall respectively devolve to their Successors, the Official Trustees of Charitable Funds for the Time being, without Transfer or Assignment.

Funds to vest in the Official Trustees for the Time being.

XVIII. All Stock in the Public Funds vested in the joint Names of Henry Morgan Vane, Thomas Hare, and Walker Skirrow, Esquires, the present Official Trustees of Charitable Funds, shall upon the passing of this Act be transferred by the Governor and Company of the Bank of England from their Names to the Account of the Official Trustees of Charitable Funds.

The Official Trustees to keep Banking Account.

XIX. The Official Trustees of Charitable Funds shall, for the Purposes of their Trust, keep a Banking Account in their official Name in the Books of the Governor and Company of the Bank of England, and the Secretary of the Board shall keep separate Accounts of the Monies held upon such Account, and belonging to each separate Charity.

Mode of drawing on the Banking Account.

XX. All Orders for Payment of any Money held upon such Banking Account shall be signed by One at least of the Official Trustees of Charitable Funds, not being the Secretary of the Board, and also by the Secretary, and shall be countersigned by One of the Commissioners, or shall be otherwise signed or authenticated in such Manner as the Lord Chancellor shall from Time to Time by Order under his Hand direct; and such Orders shall be a sufficient Authority to the Bank paying the same for all such Payments.

Clause B. Trustees may transfer Stock to Official Trustees.

XXI. Any Trustee or other Person may, on obtaining an Order of the Board for the Purpose, transfer any Stock or pay any Money to the Official Trustees of Charitable Funds in trust for any Charity.

As to Disposal of Principal Monies paid to them.

XXII. All Principal Monies belonging to any Charity directed to be paid to the Official Trustees of Charitable Funds shall be paid to their Account at the Bank, and, subject to any Order of the Court or Judge or of the Board by which respectively the Payment shall have been authorized, shall be forthwith invested in the Public Funds in the Names of the Official Trustees of Charitable Funds, for the Benefit of the Charity to which they shall belong.

All Dividends and Interest due to the Official Trustees of Charitable Funds to be placed to their Banking Account.

XXIII. The Dividends arising from all Stock in the Public Funds standing in the Name of the Official Trustees of Charitable Funds shall from Time to Time be received by the Governor and Company of the Bank of England, under the Authority of this Act, for the Credit of the said Official Trustees, and shall be placed to their Banking Account accordingly; and all Dividends and Interest arising from any other Stock, Shares, or Securities standing in the Name of or held by the Official Trustees of Charitable Funds shall be paid only to the Governor and Company of the Bank of England for the Account of the same Trustees; and the said Trustees shall from Time to Time execute to the said Governor and Company all such Powers as shall be found necessary for enabling them to receive and give effectual Discharges for the last-mentioned Dividends and Interest.

For the Regulation of Transfers and Payments to or by the Official Trustees.

XXIV. No Transfer of any Stock, Shares, or Securities shall be made to the Official Trustees of Charitable Funds, nor shall any Money other than the Dividends or Interest of any such Stock, Shares, or Securities as aforesaid be paid to their Account, except in pursuance of an Order of the Court of Chancery, or of some Judge thereof, or of a District Court of Bankruptcy or County Court, or of the Board; and no Transfer of any such Stock, Shares, or Securities shall be made by the Official Trustees, except under the Order of such Court or Judge, or under the Order of the Board signed

signed by Two Commissioners, or authenticated in such Manner as the Lord Chancellor from Time to Time by any Order under his Hand direct; and no Transfer to or by the Official Trustees shall be permitted by the Governor and Company of the Bank of England or any other Company contrary to this Provision.

Copies of Orders affecting the Account of the Official Trustees to be sent to the Board.

XXV. Copies of all Orders made by any Court or Judge for any Transfer, Deposit, or Payment of Stock, Shares, Securities, or Monies to or by the Official Trustees of Charitable Funds shall be forthwith transmitted to the Board by the Parties obtaining such Orders.

Indemnity to the Bank and others.

XXVI. Every Order made under the principal Act or this Act, requiring or authorizing the Transfer, Payment, or Deposit of any Stock, Shares, Securities, or Monies to or with the Trustees of any Charity or the Official Trustees of Charitable Funds, or conferring a Right to call for such Transfer, shall be a complete Indemnity to the Governor and Company of the Bank of England and all Companies and Persons for any Act done pursuant to such Order; and the said Governor and Company and other Companies and Persons shall be required to give effect or to conform to every such Order, and it shall not be necessary for them to inquire concerning the Propriety of such Order, or the Jurisdiction of the Court or Judge or the Board to make the same.

Restrictions of Charges and Leases of Charity Estates.

XXVII. It shall not be lawful for the Trustees or Persons acting in the Administration of any Charity to make or grant, otherwise than with the express Authority of Parliament, or of a Court or Judge of competent Jurisdiction, or according to a Scheme legally established, or with the Approval of the Board, any Mortgage or Charge of the Charity Estate, or any Lease thereof in Reversion after more than Three Years of any existing Term, or for any Term of Life, or in consideration wholly or in part of any Fine, or for any Term of Years exceeding Twenty-one Years.

Sinking Fund to be provided for paying off Mortgages in lieu of Provision in Mortgage Deeds.

XXVIII. So much of Section Twenty-one of the principal Act as requires a compulsory Provision to be inserted in every Mortgage for the Payment of the Principal Money borrowed by annual Instalments, and for the Redemption and Reconveyance of the mortgaged Estates within the Period of not more than Thirty Years, is hereby repealed; but the Board authorizing any Mortgage to be made of any Charity Estate shall make such Provisions, by the same or any other Order, as to them may seem necessary, for directing the Trustees or Persons administering the Charity to discharge the Principal Debt or any Part thereof by such yearly or other Instalments within Thirty

Years from the Date of the Security as to the said Board may seem fit, or to form an Accumulation or Sinking Fund out of the Income of the Charity for discharging the Principal Debt or any Portion thereof within the same Period, and shall give Directions as to the Investment and Accumulation of such Fund, and the Trustees for the Time being, or Persons administering the Charity, shall carry such Order into effect.

Extension of Power of Board as to Compromise of Claims.

XXIX. The Twenty-third Section of the principal Act shall extend to authorize a Compromise or Adjustment of any Claim, Demand, or Cause of Suit against any Charity, or the Trustees or Administrators thereof, and the Order of the Board in relation thereto shall have the like Effect as in the Case of any Compromise or Adjustment for which Provision is made by the said Section.

Board may authorize Payment for Equality of Exchange or Partition.

XXX. The Board may authorize the Application of any Funds belonging to any Charity in Payments for Equality of Exchange or Partition, or in Payment of any Expenses incident thereto, or may authorize the Trustees to raise any Money for such Purposes by Mortgage of any Land acquired on such Exchange or Partition, or belonging to the Charity.

Power to ascertain Lands charged with Rents to Charities.

XXXI. Where there shall be Uncertainty as to the specific Part of any Lands out of which any Rent, Annuity, or other periodical Payment, not exceeding the yearly Sum of Ten Pounds, charged upon some Part of the same Lands, for the Benefit of a Charity, shall be payable, it shall be lawful for the Board, upon the Application of the Trustees or Persons acting in the Administration of the Charity, and with the Consent of the Persons interested according to the aforesaid Definition of "Persons interested" in the same Lands, to determine by their Order the Land charged with such Rent, Annuity, or other periodical Payment, which shall thenceforth stand charged with such Rent, Annuity, or periodical Payment accordingly, to the Exoneration of the Residue of such Lands therefrom.

Expenses of Exchanges and Partitions, and determining Application of Charges.

XXXII. The Expenses incident to the Application for and procuring of any such Order of Exchange or Partition, or Order determining the Land charged with any Rent, Annuity, or periodical Payment, shall be paid by the Trustees or Administrators of the Charity, or by the other Parties to such Transactions, or by both, as the Board may direct.

Incorporated Charities and Trustees for Charities

XXXIII. Any incorporated Charity, or the Trustees of any Charity, whether incorporated or not, may, with the Consent of the Board, invest Money arising from any Sale of Land belonging to the Charity

Charity, or received by way of Equality of Exchange or Partition, in the Purchase of Land, and may hold such Land, or any Land acquired by way of Exchange or Partition, for the Benefit of such Charity, without any Licence in Mortmain. may re-invest in Land.

XXXIV. All Orders of the Board for the Investment of Money coming to any Charity or the Trustees thereof on any Sale, Exchange, or Partition shall be carried into effect by the Trustees or Persons administering the Charity; and all Monies which the Board shall order to be provided out of any Income or Property of a Charity for the Payment of the Costs of any such Transaction shall be provided or raised by the Trustees or Administrators of the Charity and applied accordingly. Order of Board for Investments to be carried into effect, and Cost to be raised.

XXXV. It shall be lawful for the Board to authorize or order and direct the Official Trustee of Charity Lands and the Official Trustees of Charitable Funds respectively to convey Lands, and to assign, transfer, and pay over Stocks, Funds, Monies, and Securities, as the Board shall think expedient. Board may direct Official Trustees to convey Lands, &c.

XXXVI. All Leases, Sales, Exchanges, Partitions, and Transactions authorized by the Board under the principal Act or this Act shall be valid and effectual, notwithstanding the Act of the Thirteenth Year of the Reign of Queen Elizabeth, Chapter Ten, the Acts of the Fourteenth Year of the same Queen, Chapters Eleven and Fourteen, and the Acts of the Eighteenth Year of the same Queen, Chapters Six and Eleven. Leases, &c. to be valid, notwithstanding disabling Acts.

XXXVII. It shall be lawful for the Board to prepare, and under their Seal to approve, of any Scheme for the letting of the Property or any Part of the Property of any Charity; and all Leases granted by any Trustees or Persons acting in the Management of any Charity, pursuant to or in conformity with such Scheme, shall be valid. Board may approve Schemes for letting Charitable Property.

XXXVIII. The Board may order the Bill of Costs or Charges claimed by any Attorney or Solicitor on account of Business conducted or transacted by him on behalf of any Charity or the Trustees thereof to be examined and taxed by the Taxing Masters of the Court of Chancery, or by the proper Taxing Officers of any of the Superior Courts at Westminster, who shall proceed to examine and tax the same Bill accordingly; and if the same shall be reduced upon such Taxation by the Amount of One-sixth Part or more of the Amount thereof, the Costs of the Taxation shall be paid by such Attorney or Solicitor, but otherwise out of the Funds of the Charity by the Trustees thereof; and the Board may, after being satisfied as to any Power to refer Bills of Costs in Charity Matters to Taxation.

Bill that it contains exorbitant Charges, order any such Bill to be so taxed, notwithstanding that the same may have been paid by the Trustees of the Charity at any Period not more than Six Calendar Months previously to such Order; and any Amount taxed off any such paid Bill shall be a Debt due from the Attorney or Solicitor to the Trustees of the Charity, and shall be forthwith paid by him to such Trustees accordingly.

Amendment of Sect. 27. of principal Act.

XXXIX. Section Twenty-seven of "The Charitable Trusts Act, 1853," shall be construed and operate as if the Words "and the "Trustees of the Charity shall be legally authorized to purchase and "hold such Land" had been omitted therefrom; and incorporated Trustees of any Charity shall be competent to purchase and hold Lands for the Purposes mentioned in the same Section without Licence in Mortmain.

Deeds and Documents relating to Charities may be enrolled at the Office of the Board, and Copies of Enrolment to be Evidence.

XL. Any Deed, Will, or Document relating to any Charity may be enrolled by the Board in Books to be provided and kept by them for that Purpose at their Office, and a Copy of any such Deed, Will, or Document made from such Books, and certified under the Hand of the Secretary or One of the Commissioners, shall be received as Evidence of the Contents of the same Deed, Will, or Document.

Office of the Commissioners substituted for the Office of Registrar of County Courts Judgments for the Purposes of Sect. 55. of principal Act.

XLI. The Fifty-fifth and Fifty-ninth Sections of the principal Act shall be construed and operate as if the Words "The Office of the Board" had been inserted therein in the Place of the Words "the Office in London of the Registrar of County Courts Judgments."

Amendment of Sect. 61. of the principal Act, and other Provision made as to the annual Returns of Accounts by Trustees of Charities.

XLII. Section Sixty-one of "The Charitable Trusts Act, 1853," except so much thereof as enacts that the Trustees or Persons acting in the Administration of every Charity shall, in Books to be kept by them for that Purpose, regularly enter or cause to be entered full and true Accounts of all Money received and paid respectively on account of such Charity, shall be repealed as to all Accounts which such Trustees or Administrators shall not have been bound to render before the passing of this Act; and the Trustees or Administrators of every Charity shall, on or before the Twenty-fifth Day of March One thousand eight hundred and fifty-six, prepare and make out and transmit to the Board an Account of the Endowments then belonging to the Charity, showing in the Case of Realty not in hand the Manner in which the same is let or occupied, and in the Case of Personalty the existing Investment or Employment thereof, and in what Names such Investments are made; and such Trustees or Administrators shall also on or before the Twenty-fifth Day of

of March next after the Acquisition of any Endowment not included in the foregoing Account prepare and make out, in like Manner, and transmit to the Board, a similar Account of such last-mentioned Endowment, and in case of any Alienation or Charge, or Transfer, of any Real or Personal Estate of the Charity, shall, on or before the Twenty-fifth Day of March then next following, transmit to the Board an Account of such Alienation, Charge, or Transfer; and such Trustees or Administrators shall also, on or before the Twenty-fifth Day of March in every Year, or such other Day as may be fixed for that Purpose by the Board, or as may have been already fixed for rendering the Accounts thereof required by the principal Act, prepare and make out the following Accounts in relation thereto; (that is to say,)

(1.) An Account of the gross Income arising from the Endowment, or which ought to have arisen therefrom, during the Year ending on the Thirty-first Day of December then last, or on such other Day as may have been appointed for this Purpose by the Board:

(2.) An Account of all Balances in hand at the Commencement of the Year, and of all Monies received during the same Year on account of the Charity:

(3.) An Account for the same Period of all Payments:

(4.) An Account of all Monies owing to or from the Charity, so far as conveniently may be:

which Accounts shall be certified under the Hand of One or more of the said Trustees or Administrators, and shall be audited by the Auditor of the Charity, if any; and the said Trustees or Administrators shall, within Fourteen Days after the Day appointed for making out such Accounts, deliver or transmit a Copy thereof to the Commissioners at their Office in London, and in the Case of Parochial Charities shall deliver another Copy thereof to the Churchwarden or Churchwardens of the Parish or Parishes with which the Objects of such Charities are identified, who shall present the same at the next General Meeting of the Vestry of such Parishes, and insert a Copy thereof in the Minutes of the Vestry Book; and every such Copy shall be open to the Inspection of all Persons at all seasonable Hours, subject to such Regulations as to the said Board may seem fit; and any Person may require a Copy of every such Account or of any Part thereof, on paying therefore after the Rate of Twopence for every Seventy-two Words or Figures.

Board may make Orders as to Delivery and Publication of Account by Trustees, and as to the Form thereof.

XLIII. The Board may from Time to Time make such Orders as they may think fit in relation to the Delivery or Transmission of the said Accounts, and the Forms of such Accounts, and such Orders

Orders shall be executed by all Trustees and Persons from whom the Accounts to which they may relate are required.

Provision enabling Members of exempted Charities to submit Disputes to Commissioners extended to other Charities.

XLIV. The Sixty-fourth Section of the principal Act shall apply as well to Members of any Charity within the Operation of that Act as to Members of any Charity exempted from the Operation thereof.

CLAUSE C. Acts not to apply to Roman Catholic Charities until 1 Sept. 1856.

XLV. Neither this Act nor the principal Act shall, until the First Day of September One thousand eight hundred and fifty-six, extend or be in any Manner applied to Charities or Institutions the Funds or Income of which are applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which are under the Superintendence and Control of Persons of that Persuasion, nor shall anything in this Act extend to any of the Cases which by the Sixty-second Section of the principal Act are excepted from the Operation thereof.

CLAUSE D. Interpretation.

XLVI. In the Construction of the principal Act and this Act the Word "Charity" shall include every Institution in England or Wales endowed for charitable Purposes, and not expressly exempted from the Operation of the same Acts, and Words applying to any Person or Individual shall apply also to a Corporation, whether sole or aggregate.

Act not to extend to Eton or Winchester.

XLVII. Nothing in this Act or in the principal Act contained shall extend to the Colleges of Eton and Winchester, or either of them.

Short Title.

XLVIII. This Act may be cited as "The Charitable Trusts Amendment Act, 1855."

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Charitable Trusts Act, 1853.

(*Brought from the Lords* 26 *June* 1855.)

Ordered, by The House of Commons, *to be Printed*, 7 *August* 1855.

[Bill 296.]

Under 2 *oz.*

29 *June* 1855. 18 & 19 Vict.

A

B I L L

FOR

The Regulation of Chinese Passenger Ships.

WHEREAS Abuses have occurred in conveying Emigrants from Ports in the Chinese Seas: And whereas it is expedient to prevent such Abuses in respect of Emigrants conveyed in British Ships or from British Ports: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In the Construction of this Act the Term "Chinese Passenger Ship" shall include every Ship carrying from any Port in Hong Kong, and every British Ship carrying from any Port in China or within One hundred Miles of the Coast thereof, more than Twenty Passengers, being Natives of Asia; the Word "Colony" shall include all Her Majesty's Possessions abroad not being under the Government of the East India Company; the Word "Governor" shall signify the Person for the Time being lawfully administering the Government of such Colony; the Term "Legislature of Hong Kong" shall signify the Governor and Legislative Council or other Legislative Authority of the same for the Time being; the Word "Ship" shall include all Sea-going Vessels; the Terms "Commander" and "Master" of any Ship Definition of Terms, viz.: "Chinese Passenger Ship:" "Colony:" "Governor:" "Legislature of Hong Kong:" "Ship:" "Commander:" "Master:"

"Emigration Officer:" "British Consul."

Ship shall include any Person for the Time being in command or charge of the same; the Term "Emigration Officer" shall include every Person lawfully acting as Emigration Officer, Immigration Agent or Protector of Emigrants, and every Person authorized by the Governor of any British Colony to carry out the Provisions of this Act; and the Term "British Consul" shall include every Person lawfully exercising Consular Authority on behalf of Her Majesty in any Foreign Port.

Legislature of Hong Kong to enact Regulations.

II. It shall be lawful for the Legislature of Hong Kong, by any Ordinance to be by them enacted for that Purpose, to make Regulations respecting Chinese Passenger Ships, and, in the Case of British Ships, respecting the Treatment of the Passengers therein while at Sea, and until such Enactment the Regulations contained in Schedule (A.) to this Act annexed shall be in force: Provided always, that no such Ordinance shall come into operation until Her Majesty's Confirmation of the same shall have been proclaimed in Hong Kong by the Governor thereof.

Governor of Hong Kong to declare Length of Voyages.

III. It shall be lawful for the Governor of Hong Kong to declare, by Proclamation, for the Purposes of this Act and of the said Regulations, what shall be deemed to be the Duration of the Voyage of any Chinese Passenger Ship, and by such Proclamation to alter the Scales of Dietary, Medicines, and Medical Comforts contained in the aforesaid Schedule (A.)

No Chinese Passenger Ship to clear out on Voyage of more than Seven Days without Emigration Officer's Certificate and Copy Regulations, nor until Bond be given to Crown.

IV. No Chinese Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration until the Master thereof shall have received from an Emigration Officer a Copy of the aforesaid Regulations, and a Certificate in the Form contained in Schedule B. to this Act annexed, or in such other Form as may be prescribed by the said Legislature, which Copy and Certificate (herein-after designated as Emigration Papers) shall be signed by the said Emigration Officer, nor until the Master shall, with Two sufficient Sureties to be approved by the said Emigration Officer, have entered into a joint and several Bond in the Sum of One thousand Pounds to Her Majesty, Her Heirs and Successors, in the Form contained in Schedule C. to this Act annexed, or in such other Form as shall be prescribed by the said Legislature.

Penalty of Bond, when recoverable.

V. The said penal Sum of One thousand Pounds shall be due and recoverable notwithstanding any Penalty or Forfeiture imposed by this Act or by the aforesaid Regulations, and whether such Penalties or Forfeitures shall have been sued for and recovered or not.

VI. It

Commanders of Ships of War, &c. may search Ships, or require Production of Papers.

VI. It shall be lawful for the Commander of any of Her Majesty's Ships of War, or for any Emigration Officer, Custom House Officer, or British Consul, to detain, enter, and search any Chinese Passenger Ship (being a British Vessel or within British Jurisdiction) so long as such Ship shall have any Passengers on board, and for Forty-eight Hours afterwards, and in case such Ship shall be engaged on a Voyage of more than Seven Days Duration, to require the Production of the Emigration Papers of such Ship, and to examine all Persons on board of the same, in order to ascertain whether the Provisions of this Act and of the Regulations aforesaid have been complied with.

Ship to be forfeited for Refusal to submit to Search, &c., or Breach of Regulations.

VII. If any Chinese Passenger Ship (being a British Ship or within British Jurisdiction) shall clear out or proceed to Sea on any such Voyage as aforesaid without such Emigration Papers, or before the Master shall have entered into such Bond as aforesaid, or if the Master of any such Ship shall obstruct, avoid, or refuse to allow of such Entry, Search, or Examination, or, being so required as aforesaid, shall fail to produce his Emigration Papers, or if such Papers shall be forged or fraudulently altered, or in case of wilful and fraudulent Breach of the Provisions of this Act or the Regulations aforesaid, or in case of wilful Neglect or Refusal to perform the Contract made with the Passengers, such Ship shall be forfeited to the Use of Her Majesty: Provided, that for the Purposes of this Section every Ship provisioned for more than Twenty Days shall be deemed to be engaged on a Voyage of more than Seven Days Duration.

Penalties.

VIII. Every Person concerned in any Act or Default by which any Chinese Passenger Ship may have become liable to Forfeiture shall be liable to a Penalty not exceeding One hundred Pounds for each Offence.

Mode of enforcing Forfeiture.

IX. Any Ship that may become forfeited under this Act may be seized at any Time within Three Years from the Commission of the Offence by which such Forfeiture shall have accrued, by any such Commander, Officer, or British Consul as aforesaid, and may thereupon be dealt with in the same Manner as if she had been seized as forfeited under any Act of Parliament passed or to be passed for the Abolition or Suppression of the Slave Trade.

Fine may be substituted for Forfeiture.

X. It shall be lawful for the Court before which any such Seizure as aforesaid shall be prosecuted to impose such a pecuniary Penalty as to the same Court shall seem fit, in lieu of any Forfeiture incurred under this Act: Provided always, that every such Forfeiture shall

remain in force until Payment of the said pecuniary Penalty, and unless the same shall be paid within One Month after it shall have been imposed.

Penalties how recovered.

XI. All pecuniary Penalties imposed by or under Authority of this Act may be recovered by the like Process and before the same Courts as Penalties imposed by any Act of Parliament passed or to be passed for the Abolition or Suppression of the Slave Trade.

Proceeds of Forfeiture and Penalties how disposed of.

XII. The net Proceeds of all Forfeitures and Penalties incurred under this Act shall, after deducting the Cost of Prosecution from the gross Amount thereof, be paid to the Party suing for the same, for the Use of Her Majesty, Her Heirs and Successors; and if recovered in the Colonies, shall by him be paid over into the Colonial Treasury, and shall form Part of the general Revenue of the Colony; and if recovered in any of the Territories under the Government of the East India Company, shall be so paid over to and appropriated ; and if recovered in the United Kingdom, shall be paid over to such Persons and appropriated in such Manner as the Lords Commissioners of Her Majesty's Treasury may from Time to Time direct: Provided always, that it shall be lawful for the Court before which such Prosecution shall have been had to direct that a Part not exceeding a Moiety of such net Proceeds as aforesaid shall be applied to compensate any Passengers for any Wrong or Damage which they may have sustained from the Persons by whose Acts or Defaults such Penalty or Forfeiture shall have been incurred; and also to direct that a Part not exceeding One Moiety of the Remainder of such net Proceeds shall be paid, in such Proportions as to the said Court shall seem fit, to any Persons who may have been instrumental in obtaining a Conviction under such Prosecution; and any Part of such last-mentioned Moiety which shall be paid to the Commander of any of Her Majesty's Ships of War shall be distributed in such Manner as may for the Time being be prescribed by the proper Authority in the Case of Seizures made in pursuance of any Act for the Abolition or Suppression of the Slave Trade.

Written Declarations of Commanders, &c. primâ facie Evidence.

XIII. In any legal Proceeding taken under this Act or in respect of the Bond herein-before required any Document purporting to be the written Declaration of any British Consul, or of the Commander of any of Her Majesty's Ships of War, or to be a Copy of the Proceedings of any Court of Justice, shall, without any Proof of Signature, be received as primâ facie Evidence of the Facts therein stated, in case it shall appear that such Copy or Declaration, if produced in the United Kingdom, was officially transmitted to One of Her Majesty's Principal Secretaries of State, or, if produced in any Colony,

Colony, was officially transmitted to the Governor thereof: Provided always, that no Person making such written Declaration as aforesaid shall be capable of receiving a Share of any Penalty or Forfeiture which shall be procured by such written Declaration.

XIV. This Act may be cited for any Purpose whatever under the Name of the "Chinese Passengers Act, 1855." Short Title.

XV. This Act shall come into operation as soon as it shall have been proclaimed in Hong Kong by the Governor thereof, or if not so proclaimed, on the Day of next ensuing. Commencement of Act.

SCHEDULE (A.)

REGULATIONS RESPECTING CHINESE PASSENGER SHIPS.

Note.— The wilful and fraudulent Breach of any of these Regulations by the Person in charge of any Chinese Passenger Ship is punishable by Forfeiture of the Ship, and every Person concerned in such Breach is liable to a Fine of One hundred Pounds for each Offence.

I. No Chinese Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration without a Certificate from an Emigration Officer; and such Certificate shall be in the Form provided by the Chinese Passenger Act, 1855.

II. No Emigration Officer shall be bound to give such Certificate in respect of any Chinese Passenger Ship till Seven Days after receiving Notice that the Ship is to carry Passengers, and of her Destination, and of her proposed Day of Sailing, nor unless there are on board a Surgeon and Interpreter appointed by such Emigration Officer.

III. After receiving such Notice the Emigration Officer shall be at liberty at all Times to enter and inspect the Ship, and the Fittings, Provisions, and Stores therein, and any Person impeding him in such Entry or Inspection, or refusing to allow of the same, shall be liable to a Fine of not more than One hundred Pounds for each Offence.

IV. The Emigration Officer shall not give his Certificate unless he shall be satisfied,—

(1.) That the Ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any Cargo likely, from its Quality, Quantity, or Mode of Stowage, to prejudice the Health or Safety of the Passengers:

(2.) That the Space appropriated to the Passengers in the 'Tween Decks contains at the least Twelve Superficial and Seventy-two Cubical Feet of Space for every Adult on board; that is to say, for every Passenger above Twelve Years of Age, and for every Two Passengers between the Ages of One Year and Twelve Years:

(3.) That a Space of Five Superficial Feet per Adult is left clear on the Upper Deck for the Use of the Passengers;

(4.) That Provisions, Fuel, and Water have been placed on board, of good Quality, properly packed, and sufficient to supply the

the Passengers on board during the declared Duration of the intended Voyage, according to the following Scale:

DIETARY SCALE.

Rice	lbs. $1\frac{1}{2}$	per diem.
Salted Provisions,—		
Wholly Pork; or	„ $\frac{1}{2}$	do.
$\frac{2}{3}$ Pork and $\frac{1}{3}$ Fish; or		
$\frac{1}{3}$ Pork, $\frac{1}{3}$ Beef, and $\frac{1}{3}$ Fish		
Salted Vegetable or Pickles	„ $\frac{1}{2}$	do.
Water, Imperial Quarts	3	do.
Firewood	lbs. 2	do.
Tea	oz. $\frac{1}{3}$	do.

(5.) That Medicines and Medical Comforts have been placed on board according to the following Scale:

SCALE OF MEDICINES AND MEDICAL COMFORTS:

For every 100 Passengers, and in like Proportion for any greater or less Number.

Calomel	3	oz.	
Blue Pill	2	„	
Rhubarb Powder	2	„	
Compound Jalap Powder	12	„	
Ipecacuanha Powder	12	„	
Opium	2	„	
Dover's Powder	2	„	
Magnesia	2	„	
Epsom Salts	6	lbs.	
Chloride of Lime	20	„	
Tartar Emetic	4	Drams.	
Quinine	2	oz.	
Antimonial Powder	$0\frac{1}{2}$	„	
Extract of Colocynth, Compound	1	„	
Carbonate of Ammonia	$1\frac{1}{2}$	„	
Assafœtida	1	„	
Camphor	$1\frac{1}{2}$	„	
Camphorated Liniment	16	„	
Catechu	2	„	
Prepared Chalk	2	„	
Tincture of Opium	8	„	
Turpentine	16	„	
Senna Leaves	8	oz.	
Blistering Plaister	8	„	
Sulphur Sublimed	16	„	
Sulphur, Ointment	12	„	
Linseed Flour	4	lbs.	
Country Soap	24	oz.	
Castor Oil	6	Bottle.	
Oil of Peppermint	2	oz.	
Adhesive Plaister, spread	2	Yards.	
Simple Ointment	16	oz.	
Ringworm Ointment	16	„	
Jeremie's Opiate	2	oz. Phial.	
Aromatic Spirits of Hartshorn	4	„	
Cholera Pills in Phial	12	Drams	
Cubebs Powder	4	lbs.	
Sweet Spirits of Nitre	16	oz.	
Copaiba	16	„	
Sulphate of Copper	2	„	
Sulphate of Zinc	1	„	
Lunar Caustic	4	Drams.	
Lime Juice	36	Quarts.	
Rum or Brandy	36	„	

INSTRUMENTS, &c.

- 1 Set of Amputating and other Surgical Instruments (if there be any Person on board competent to use them).
- 1 One Ounce Glass Measure.
- 1 Minim Glass Measure.
- 1 Pestle and Mortar (Wedgewood).
- 1 Set of Weights and Scales (Grains in Box).
- 1 Set of common Splints.
- 1 Set of bleeding Lancets.
- 1 Silver Catheter.
- 1 Spatula.
- 1 Dressing Scissors.
- 1 Infusion Box.
- 1 Quire of Country Paper.
- 1 Penknife.
- 2 Metal Bed Pans.
- 2 Trusses for Hernia, Right and Left.
- 2 Small Syringes.
- 4 Ounces prepared Lint.
- 2 Pieces Cloth for Bandages.

V. The Master of any Chinese Passenger Ship being a British Ship and proceeding on a Voyage of more than Seven Days Duration shall, during the whole of the intended Voyage, make Issues of Provisions, Fuel, and Water, according to the aforesaid Dietary Scale, and shall not make any Alteration, except for the manifest Advantage of the Passengers, in respect of the Space allotted to them as aforesaid, or in respect of the Means of Ventilation, and shall not ill-use the Passengers, or require them (except in case of Necessity) to help in working the Vessel; and shall issue Medicines and Medical Comforts, as shall be requisite, to the best of his Judgment, and shall call at such Ports as may be mentioned in the Emigration Officer's Clearing Certificate for fresh Water and other Necessaries; and shall carry them without unnecessary Delay to the Destination to which they have contracted to proceed.

VI. The Emigration Officer shall not give his Certificate until he shall have mustered the Passengers, and have ascertained to the best of his Power that they understand whither they are going, and comprehend the Nature of any Contracts of Service which they have made; he shall also take care that a Copy of the Form of such Contracts, or an Abstract of their Substance, signed by himself, is appended to the said Certificate: If any of the Passengers are in bad Health, or insufficiently provided with Clothing, or if the Contracts are unfair, or if there is Reason to suspect that Fraud or Violence have been practised in their Collection or Embarkation, he may detain the Ship, and, if he shall think fit, may order all or any of the Passengers to be re-landed.

SCHEDULE (B.)

Emigration Officer's Certificate, &c.

I hereby authorize the Chinese Passenger Ship to proceed to Sea for the Port of in ; and I certify that the said Ship can legally carry Adults, and that there are on board Passengers, making in all Adults, viz., Men, Women, Male Children, and Female Children, such Children being between the Ages of One and Twelve Years; that the Space set apart and to be kept clear for the Use of such Emigrants is as follows:—On the Upper Deck, Superficial Feet, being [*here describe the Space*], and in the Between Decks Superficial Feet, being [*here describe the Space*]; that the Ship is properly manned and fitted, and that the Means of ventilating

lating the Part of the Between Decks appropriated to Passengers are as follows: [*here describe the Means of Ventilation*]; that the Ship is furnished with a proper Quantity of good Provisions, Fuel, and Water for Days' Issues to the Passengers according to the *annexed Dietary Scale, and with a proper Quantity of Medicines, Instruments, and Medical Comforts according to the *annexed Scale of Medical Necessaries; that I have inspected the Contracts between the Emigrants and their intended Employers (the Terms of which are annexed to this Certificate), and consider them reasonable; that no Fraud appears to have been practised in collecting the Emigrants; and that there are on board a Surgeon †[and Interpreter] approved by me, and designated [respectively and]

‡[The Master of the Ship is to put into and for Water and fresh Vegetables.]

(Signed)

Emigration Officer.

Dated this Day of 18 .

* These Scales must be those prescribed by the Regulations in Schedule A.

† In case the Ship has been authorized to proceed without an Interpreter omit the Part between Brackets, and add "and that the Ship has been authorized to proceed without an Interpreter."

‡ The Part between Brackets is to be inserted or not as may be required.

SCHEDULE (C).

FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all Men by their Presents, That we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, Administrators, and every of them, firmly by these Presents.

Sealed with our Seals.

Dated this Day of , 18 .

Whereas by the Chinese Passenger Act, 1855, it is enacted, that before any Chinese Passenger Ship shall clear out or proceed to Sea on a Voyage of more than Seven Days computed Duration, the Master thereof shall, with Two sufficient Sureties to be approved by an Emigration Officer, enter into a Bond to Her Majesty, Her Heirs and Successors, in the Sum of One thousand Pounds.

Now the Condition of this Obligation is this, that if (in respect of the Ship , whereof is Master) all and every of the Requirements of the said Chinese Passenger Act, and of the Regulations contained in Schedule (A.) to the said Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed [*in like Manner as the same ought to be observed and performed in case the said Ship were a British Ship, and the said a British Subject], then this Obligation to be void, otherwise to remain in full Force and Effect.

Signed, sealed, and delivered by the above-bounden
and , in the Presence of

* This Clause to be inserted only in the Case of a Foreign Chinese Passenger Ship.

A

B I L L

For the Regulation of Chinese Passenger Ships.

(Prepared and brought in by Mr. John Ball and Lord John Russell.)

Ordered, by The House of Commons, *to be Printed,* 29 *June* 1855.

[Bill 208.] *Under 2 oz.*

Chinese Passenger Ships.

Chinese Passenger Ships Bill.

[AS AMENDED BY THE LORDS.]

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A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the Regulation of Chinese Passenger Ships.

[Note.—*The Words printed in Italics and Clauses* A. *to* F. *were inserted, and the Words struck out were omitted, by the Lords.*]

WHEREAS Abuses have occurred in conveying Emigrants from Ports in the Chinese Seas: And whereas it is expedient to prevent such Abuses: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In the Construction of this Act the Term "Chinese Passenger Ship" shall include every Ship carrying from any Port in Hong Kong, and every British Ship carrying from any Port in China or within One hundred Miles of the Coast thereof, more than Twenty Passengers, being Natives of Asia; the Word "Colony" shall include all Her Majesty's Possessions abroad not being under the Government of the East India Company; the Word "Governor" shall signify the Person for the Time being lawfully administering the Government of such Colony; the Term "Legislature of Hong Kong" shall signify the Governor and Legislative Council or other Legislative Authority of the same for the Time being; the Word "Ship" shall include all Sea-going Vessels; the Terms "Commander" and "Master" of any Ship Definition of Terms, viz.: "Chinese Passenger Ship:" "Colony:" "Governor:" "Legislature of Hong Kong:" "Ship:" "Commander:" "Master:"

"Emigration Officer:"

"British Consul."

Ship shall include any Person for the Time being in command or charge of the same; the Term "Emigration Officer" shall include every Person lawfully acting as Emigration Officer, Immigration Agent or Protector of Emigrants, and every Person authorized by the Governor of any British Colony to carry out the Provisions of this Act; and the Term "British Consul" shall include every Person lawfully exercising Consular Authority on behalf of Her Majesty in any Foreign Port.

Legislature of Hong Kong to enact Regulations.

II. It shall be lawful for the Legislature of Hong Kong, by any Ordinance to be by them enacted for that Purpose, to make Regulations respecting Chinese Passenger Ships, and, in the Case of British Ships, respecting the Treatment of the Passengers therein while at Sea, and until such Enactment the Regulations contained in Schedule (A.) to this Act annexed shall be in force: Provided always, that no such Ordinance shall come into operation until Her Majesty's Confirmation of the same shall have been proclaimed in Hong Kong by the Governor thereof.

Governor of Hong Kong to declare Length of Voyages.

III. It shall be lawful for the Governor of Hong Kong to declare, by Proclamation, for the Purposes of this Act and of the said Regulations, what shall be deemed to be the Duration of the Voyage of any Chinese Passenger Ship, and by such Proclamation to alter the Scales of Dietary, Medicines, and Medical Comforts contained in the aforesaid Schedule (A.)

No Chinese Passenger Ship to clear out on Voyage of more than Seven Days without Emigration Officer's Certificate and Copy Regulations, nor until Bond be given to Crown.

IV. No Chinese Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration until the Master thereof shall have received from an Emigration Officer a Copy of the aforesaid Regulations, and a Certificate in the Form contained in Schedule B. to this Act annexed, or in such other Form as may be prescribed by the said Legislature, which Copy and Certificate, *with any Documents to be attached thereto*, (herein-after designated as Emigration Papers,) shall be signed by the said Emigration Officer, nor until the Master shall, with Two sufficient Sureties, to be approved by the said Emigration Officer, have entered into a joint and several Bond in the Sum of One thousand Pounds to Her Majesty, Her Heirs and Successors, in the Form contained in Schedule C. to this Act annexed, or in such other Form as shall be prescribed by the said Legislature.

Penalty of Bond, when recoverable.

V. The said penal Sum of One thousand Pounds shall be due and recoverable notwithstanding any Penalty or Forfeiture imposed by this Act or by the aforesaid Regulations, and whether such Penalties or Forfeitures shall have been sued for and recovered or not.

VI. It

VI. It shall be lawful for the Commander of any of Her Majesty's Ships of War, or for any Emigration Officer, Custom House Officer, or British Consul, to ~~detain~~, enter, and search any Chinese Passenger Ship (being a British Vessel or within British Jurisdiction) so long as such Ship shall have any Passengers on board, and for Forty-eight Hours afterwards, and in case such Ship shall be engaged on a Voyage of more than Seven Days Duration, to require the Production of the Emigration Papers of such Ship, and to examine all Persons on board of the same, in order to ascertain whether the Provisions of this Act and of the Regulations aforesaid have been complied with; *and any Person who refuses to allow, attempts to avoid or obstruct, any such Entry, Search, or Examination, or who knowingly misleads or deceives any Person lawfully making any such Search or Examination, or who, being the Master of the Ship or having the Emigration Papers in his Custody, fails to produce the same when required as aforesaid, shall be deemed guilty of a Misdemeanor.*

Commander of Ships of War, &c. may search Ships, or require Production of Papers.

~~VII. If any Chinese Passenger Ship (being a British Ship or within British Jurisdiction) shall clear out or proceed to Sea on any such Voyage as aforesaid without such Emigration Papers, or before the Master shall have entered into such Bond as aforesaid, or if the Master of any such Ship shall obstruct, avoid, or refuse to allow of such Entry, Search, or Examination, or, being so required as aforesaid, shall fail to produce his Emigration Papers, or if such Papers shall be forged or fraudulently altered, or in case of wilful and fraudulent Breach of the Provisions of this Act or the Regulations aforesaid, or in case of wilful Neglect or Refusal to perform the Contract made with the Passengers, such Ship shall be forfeited to the Use of Her Majesty: Provided, that for the Purposes of this Section every Ship provisioned for more than Twenty Days shall be deemed to be engaged on a Voyage of more than Seven Days Duration.~~

Added by the Lords.

CLAUSE A. Penalty for Neglect to comply with Regulations, &c.

In case of any Neglect or Refusal to comply with any of the Provisions of this Act or any of the Regulations aforesaid, or to perform any Stipulation in any of the Contracts made with the Passengers, the Master of the Ship, and any other Person who may have been guilty of or have aided or abetted such Neglect or Refusal, shall each be deemed for each Offence guilty of a Misdemeanor.

CLAUSE B. Ship to be forfeited for clearing without Emigration Papers, or for Forgery of such Papers.

If any Chinese Passenger Ship clears out or proceeds to Sea on any Voyage exceeding Seven Days in Duration without such Emigration Papers as aforesaid, or if the Emigration Papers of any Chinese Passenger Ship are forged or fraudulently altered, such Ship shall, if she is a British Ship, or if, not being a British Ship, the Offence is committed and the Ship is seized in Her Majesty's Dominions or in the Territories of the East India Company, be forfeited to Her Majesty.

Penalties in addition to Forfeiture.

VIII. Every Person ~~concerned in~~ *who commits or aids or abets in committing* any Act or Default by which any Chinese Passenger Ship may ~~have~~ become liable to Forfeiture shall be liable to a Penalty not exceeding One hundred Pounds for each Offence.

~~IX. Any Ship that may become forfeited under this Act may, if a British Ship or within British Jurisdiction, be seized at any Time within Three Years from the Commission of the Offence by which such Forfeiture shall have accrued, by any such Commander, Officer, or British Consul as aforesaid, and may thereupon be dealt with in the same Manner as if she had been seized as forfeited under any Act of Parliament passed or to be passed for the Abolition or Suppression of the Slave Trade.~~

Clause C. Mode of enforcing Forfeiture.

It shall be lawful for any Commissioned Officer on Full Pay in the Military or Naval Service of Her Majesty, or any British Officer of Customs, or any British Consul, to seize and detain any Ship which has become subject to Forfeiture as aforesaid, and bring her for Adjudication before the High Court of Admiralty in England or Ireland, or any Court having Admiralty Jurisdiction in Her Majesty's Dominions or in the Territories of the East India Company, and such Court may thereupon make such Order in the Case as it thinks fit, and may award such Portion of the Proceeds of the Sale of any forfeited Ship as it thinks right to the Officer bringing in the same for Adjudication, or to any Persons damaged by the Act or Default which has rendered the Ship liable to Forfeiture.

Clause D. Officer not liable for any Seizure made on reasonable Grounds.

No such Officer as aforesaid shall be responsible, either civilly or criminally, to any Person whomsoever, in respect of the Seizure or Detention of any Ship that has been seized or detained by him in pursuance of the Provisions herein contained, notwithstanding that such Ship is not brought in for Adjudication, or, if so brought in, is declared not to be liable to Forfeiture, if it is shown to the Satisfaction of the Judge or Court before whom any Trial relating to such Ship or such Seizure or Detention is held that there are reasonable Grounds for such Seizure or Detention; but if no such Grounds are shown, such Judge or Court may award Payment of Costs and Damages to any Party aggrieved, and make such other Order in the Premises as he thinks just.

Added by the Lords.

Fine may be substituted for Forfeiture.

X. It shall be lawful for the Court before which any ~~such Seizure as aforesaid shall be prosecuted~~ *Ship liable to Forfeiture under this Act is proceeded against* to impose such a pecuniary Penalty as to the same Court shall seem fit, in lieu of ~~any Forfeiture incurred under this Act: Provided always, that every such Forfeiture shall remain in force until Payment of the said pecuniary Penalty, and unless the same shall be paid within~~

~~within One Month after it shall have been imposed,~~ *condemning the Ship, and in such Case to cause the Ship to be detained until the Penalty is paid, and to cause any Penalty so imposed to be applied in the same Manner in which the Proceeds of the said Ship, if condemned and sold by Order of the Court, would have been applicable.*

~~XI. All pecuniary Penalties imposed by or under Authority of this Act may be recovered by the like Process and before the same Courts as Penalties imposed by any Act of Parliament passed or to be passed for the Abolition or Suppression of the Slave Trade.~~

~~XII. The net Proceeds of all Forfeitures and Penalties incurred under this Act shall, after deducting the Cost of Prosecution from the gross Amount thereof, be paid to the Party suing for the same, for the Use of Her Majesty, Her Heirs and Successors; and if recovered in any British Colony, shall by him be paid over into the Colonial Treasury, and shall form Part of the general Revenue of the Colony; and if recovered in any of the Territories under the Government of the East India Company, shall be so paid over to the General Treasury of the Presidency within which the same may be recovered, and appropriated as Part of the general Revenue of India; and if recovered in the United Kingdom, shall be paid over to such Persons and appropriated in such Manner as the Lords Commissioners of Her Majesty's Treasury may from Time to Time direct: Provided always, that it shall be lawful for the Court before which such Prosecution shall have been had to direct that a Part not exceeding a Moiety of such net Proceeds as aforesaid shall be applied to compensate any Passengers for any Wrong or Damage which they may have sustained from the Persons by whose Acts or Defaults such Penalty or Forfeiture shall have been incurred, and also to direct that a Part not exceeding One Moiety of the Remainder of such net Proceeds shall be paid, in such Proportions as to the said Court shall seem fit, to any Persons who may have been instrumental in obtaining a Conviction under such Prosecution; and any Part of such last mentioned Moiety which shall be paid to the Commander of any of Her Majesty's Ships of War shall be distributed in such Manner as may for the Time being be prescribed by the proper Authority in the Case of Seizures made in pursuance of any Act for the Abolition or Suppression of the Slave Trade.~~

Added by the Lords.

CLAUSE E. Mode of Procedure in Criminal Cases.

All Misdemeanors and other Criminal Offences punishable under this Act shall be dealt with, tried, and judged of in the same Manner as Misdemeanors and other Offences punishable under the Merchant Shipping Act, 1854, and all the Rules of Law, Practice, or Evidence applicable to the last-mentioned Misdemeanors and Offences shall be applicable to Misdemeanors and other Offences under this Act.

CLAUSE F. Aplication of Penalties.

Any Court, Justice, or Magistrate imposing any Penalty under this Act for which no specific Application is herein provided may, if it or he thinks fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed, or in or towards Payment of the Expenses of the Proceedings. *Added by the Lords.*

Written Declarations of Commanders, &c. primâ facie Evidence.

XIII. In any legal Proceeding taken under this Act or in respect of the Bond herein-before required any Document purporting to be the written Declaration of any British Consul, or of the Commander of any of Her Majesty's Ships of War, or to be a Copy of the Proceedings of any Court of Justice, shall, without any Proof of Signature, be received ~~as prima facie~~ *in* Evidence ~~of the Facts therein stated,~~ in case it shall appear that such Copy or Declaration, if produced in the United Kingdom, was officially transmitted to One of Her Majesty's Principal Secretaries of State, or, if produced in any Colony, was officially transmitted to the Governor thereof: Provided always, that no Person making such written Declaration as aforesaid shall be capable of receiving a Share of any Penalty or Forfeiture which shall be procured by such written Declaration.

Short Title.

XIV. This Act may be cited for any Purpose whatever under the Name of the "Chinese Passengers Act, 1855."

Commencement of Act.

XV. This Act shall come into operation as soon as it shall have been proclaimed in Hong Kong by the Governor thereof, or if not so proclaimed, on the First Day of January next ensuing.

SCHE-

SCHEDULE (A.)

REGULATIONS RESPECTING CHINESE PASSENGER SHIPS.

Note.—The wilful and fraudulent Breach of any of these Regulations by the Person in charge of any Chinese Passenger Ship is punishable by Forfeiture of the Ship, and every Person concerned in such Breach is liable to a Fine of One hundred Pounds for each Offence.

I. No Chinese Passenger Ship shall clear out or proceed to Sea on any Voyage of more than Seven Days Duration without a Certificate from an Emigration Officer; and such Certificate shall be in the Form provided by the Chinese Passenger Act, 1855.

II. No Emigration Officer shall be bound to give such Certificate in respect of any Chinese Passenger Ship till Seven Days after receiving Notice that the Ship is to carry Passengers, and of her Destination, and of her proposed Day of Sailing, nor unless there are on board a Surgeon and Interpreter ~~appointed~~ *approved* by such Emigration Officer.

III. After receiving such Notice the Emigration Officer shall be at liberty at all Times to enter and inspect the Ship, and the Fittings, Provisions, and Stores therein, and any Person impeding him in such Entry or Inspection, or refusing to allow of the same, shall be liable to a Fine of not more than One hundred Pounds for each Offence.

IV. The Emigration Officer shall not give his Certificate unless he shall be satisfied,—

(1.) That the Ship is sea-worthy, and properly manned, equipped, fitted, and ventilated; and has not on board any Cargo likely, from its Quality, Quantity, or Mode of Stowage, to prejudice the Health or Safety of the Passengers:

(2.) That the Space appropriated to the Passengers in the 'Tween Decks contains at the least Twelve Superficial and Seventy-two Cubical Feet of Space for every Adult on board; that is to say, for every Passenger above Twelve Years of Age, and for every Two Passengers between the Ages of One Year and Twelve Years:

(3.) That a Space of Five Superficial Feet per Adult is left clear on the Upper Deck for the Use of the Passengers;

(4.) That Provisions, Fuel, and Water have been placed on board, of good Quality, properly packed, and sufficient to supply

the Passengers on board during the declared Duration of the intended Voyage, according to the following Scale:

DIETARY SCALE.

Rice	lbs. $1\frac{1}{2}$	per diem.
Salted Provisions,—		
Wholly Pork; or	„ $\frac{1}{2}$	do.
$\frac{2}{3}$ Pork and $\frac{1}{3}$ Fish; or		
$\frac{1}{3}$ Pork, $\frac{1}{3}$ Beef, and $\frac{1}{3}$ Fish		
Salted Vegetable or Pickles	„ $\frac{1}{2}$	do.
Water, Imperial Quarts	3	do.
Firewood	lbs. 2	do.
Tea	oz. $\frac{1}{3}$	do.

(5.) That Medicines and Medical Comforts have been placed on board according to the following Scale:

SCALE OF MEDICINES AND MEDICAL COMFORTS:

For every 100 Passengers, and in like Proportion for any greater or less Number.

Calomel	3	oz.	
Blue Pill	2	„	
Rhubarb Powder	2	„	
Compound Jalap Powder	12	„	
Ipecacuanha Powder	12	„	
Opium	2	„	
Dover's Powder	2	„	
Magnesia	2	„	
Epsom Salts	6	lbs.	
Chloride of Lime	20	„	
Tartar Emetic	4	Drams.	
Quinine	2	oz.	
Antimonial Powder	$0\frac{1}{2}$	„	
Extract of Colocynth, Compound	1	„	
Carbonate of Ammonia	$1\frac{1}{2}$	„	
Assafœtida	1	„	
Camphor	$1\frac{1}{2}$	„	
Camphorated Liniment	16	„	
Catechu	2	„	
Prepared Chalk	2	„	
Tincture of Opium	8	„	
Turpentine	16	„	
Senna Leaves	8	oz.	
Blistering Plaister	8	„	
Sulphur Sublimed	16	„	
Sulphur, Ointment	12	„	
Linseed Flour	4	lbs.	
Country Soap	24	oz.	
Castor Oil	6	Bottles.	
Oil of Peppermint	2	oz.	
Adhesive Plaister, spread	2	Yards.	
Simple Ointment	16	oz.	
Ringworm Ointment	16	„	
Jeremie's Opiate	2 oz.	Phial.	
Aromatic Spirits of Hartshorn	4	„	
Cholera Pills in Phial	12	Drams.	
Cubebs Powder	4	lbs.	
Sweet Spirits of Nitre	16	oz.	
Copaiba	16	„	
Sulphate of Copper	2	„	
Sulphate of Zinc	1	„	
Lunar Caustic	4	Drams.	
Lime Juice	36	Quarts.	
Rum or Brandy	36	„	

INSTRUMENTS, &c.

- 1 Set of Amputating and other Surgical Instruments (if there be any Person on board competent to use them).
- 1 One Ounce Glass Measure.
- 1 Minim Glass Measure.
- 1 Pestle and Mortar (Wedgewood).
- 1 Set of Weights and Scales (Grains in Box).
- 1 Set of common Splints.
- 1 Set of bleeding Lancets.
- 1 Silver Catheter.
- 1 Spatula.
- 1 Dressing Scissors.
- 1 Infusion Box.
- 1 Quire of Country Paper.
- 1 Penknife.
- 2 Metal Bed Pans.
- 2 Trusses for Hernia, Right and Left.
- 2 Small Syringes.
- 4 Ounces prepared Lint.
- 2 Pieces Cloth for Bandages.

V. The

V. The Master of any Chinese Passenger Ship being a British Ship and proceeding on a Voyage of more than Seven Days Duration shall, during the whole of the intended Voyage, make Issues of Provisions, Fuel, and Water, according to the aforesaid Dietary Scale, and shall not make any Alteration, except for the manifest Advantage of the Passengers, in respect of the Space allotted to them as aforesaid, or in respect of the Means of Ventilation, and shall not ill-use the Passengers, or require them (except in case of Necessity) to help in working the Vessel; and shall issue Medicines and Medical Comforts, as shall be requisite, to the best of his Judgment, and shall call at such Ports as may be mentioned in the Emigration Officer's Clearing Certificate for fresh Water and other Necessaries; and shall carry them without unnecessary Delay to the Destination to which they have contracted to proceed.

VI. The Emigration Officer shall not give his Certificate until he shall have mustered the Passengers, and have ascertained to the best of his Power that they understand whither they are going, and comprehend the Nature of any Contracts of Service which they have made; he shall also take care that a Copy of the Form of such Contracts, or an Abstract of their Substance, signed by himself, is appended to the said Certificate: If any of the Passengers are in bad Health, or insufficiently provided with Clothing, or if the Contracts are unfair, or if there is Reason to suspect that Fraud or Violence have been practised in their Collection or Embarkation, he may detain the Ship, and, if he shall think fit, may order all or any of the Passengers to be re-landed.

SCHEDULE (B.)

EMIGRATION OFFICER'S CERTIFICATE, &c.

I hereby authorize the Chinese Passenger Ship to proceed to Sea for the Port of in ; and I certify that the said Ship can legally carry Adults, and that there are on board Passengers, making in all Adults, viz., Men, Women, Male Children, and Female Children, such Children being between the Ages of One and Twelve Years; that the Space set apart and to be kept clear for the Use of such Emigrants is as follows:—On the Upper Deck, Superficial Feet, being [*here describe the Space*], and in the Between Decks Superficial Feet, being [*here describe the Space*]; that the Ship is properly manned and fitted, and that the Means of ventilating

lating the Part of the Between Decks appropriated to Passengers are as follows: [*here describe the Means of Ventilation*]; that the Ship is furnished with a proper Quantity of good Provisions, Fuel, and Water for Days' Issues to the Passengers according to the *annexed Dietary Scale, and with a proper Quantity of Medicines, Instruments, and Medical Comforts according to the *annexed Scale of Medical Necessaries; that I have inspected the Contracts between the Emigrants and their intended Employers (the Terms of which are annexed to this Certificate), and consider them reasonable; that no Fraud appears to have been practised in collecting the Emigrants; and that there are on board a Surgeon † [and Interpreter] approved by me, and designated [respectively and] ‡ [The Master of the Ship is to put into and for Water and fresh Vegetables.]

(Signed) ,
Emigration Officer.

Dated this Day of 18 .

* These Scales must be those prescribed by the Regulations in Schedule A.

† In case the Ship has been authorized to proceed without an Interpreter omit the Part between Brackets, and add "and that the Ship has been authorized to proceed without an Interpreter."

‡ The Part between Brackets is to be inserted or not as may be required.

SCHEDULE (C.)

FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all Men by these Presents, That we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said Sovereign Lady the Queen, Her Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, Administrators, and every of them, firmly by these Presents.

Sealed with our Seals.

Dated this Day of , 18 .

Whereas by the Chinese Passenger Act, 1855, it is enacted, that before any Chinese Passenger Ship shall clear out or proceed to Sea on a Voyage of more than Seven Days computed Duration, the Master thereof shall, with Two sufficient Sureties to be approved by an Emigration Officer, enter into a Bond to Her Majesty, Her Heirs and Successors, in the Sum of One thousand Pounds.

Now

Now the Condition of this Obligation is this, that if (in respect of the Ship , whereof is Master) all and every of the Requirements of the said Chinese Passenger Act, and of the Regulations contained in Schedule (A.) to the said Act annexed, or enacted by the Legislature of Hong Kong, shall be well and truly observed and performed [*in like Manner as the same ought to be observed and performed in case the said Ship were a British Ship, and the said a British Subject], then this Obligation to be void, otherwise to remain in full Force and Effect.

Signed, sealed, and delivered by the above-bounden
and , in the Presence of

* This Clause to be inserted only in the Case of a Foreign Chinese Passenger Ship.

Chinese Passenger Ships.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the Regulation of Chinese Passenger Ships.

Ordered, by The House of Commons, *to be Printed*, 7 *August* 1855.

[293.]

Under 2 oz.

A

BILL

TO

Render valid certain Marriages in Christ Church in the Chapelry of Todmorden and Parish of Rochdale, in the Counties of Lancaster and York.

WHEREAS the Church called Christ Church in the Chapelry of Todmorden and Parish of Rochdale in the Counties of Lancaster and York was erected and built some Time in or about the Year One thousand eight hundred and thirty-two, and was duly consecrated for the Performance of Divine Service therein: And whereas divers Marriages have been solemnized in the said Church by the Minister thereof and by other Clergymen, under the Opinion that according to the Terms of the Sentence of Consecration of the said Church, or otherwise, Marriages might be lawfully solemnized therein, and Entries of the said Marriages so solemnized have been from Time to Time made in Register Books kept at the said Church, in compliance with the Provisions concerning Registry of Marriages: And whereas it is expedient, under the Circumstances aforesaid, to confirm the Marriages so as aforesaid solemnized in the said Church: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Marriages solemnized in Christ Church, Todmorden, declared valid.

I. All Marriages heretofore solemnized in the said Church, and the Publication of Banns in such Church previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of Rochdale, or in the Church of the ancient Chapelry of Todmorden.

Ministers having solemnized Marriages indemnified.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so as aforesaid solemnized the same respectively.

Registers to be Evidence.

III. The Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

Christ Church (Todmorden) Marriages Validity.

A

B I L L

To render valid certain Marriages in Christ Church in the Chapelry of Todmorden and Parish of Rochdale, in the Counties of Lancaster and York.

(Prepared and brought in by Mr. Cowper and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1855.

[Bill 177.]

Under 1 *oz.*

525

Church Rates Abolition Bill.

(No. 2.)

ARRANGEMENT OF CLAUSES.

Preamble recites the Expediency of abolishing the Power to make Church Rates.

Church Rates to be abolished; Sect. 1.

Proviso as to Parishes where Money has been borrowed on Security of Church Rates under Acts; 2.

Churchwardens may receive voluntary Contributions for the Purposes of the Parochial Church; 3.

Churchwardens to have Power of allotting Pews and Seats; 4.

Payment of Rent for Pews and Seats; 5.

Election of Auditors and Audit of Accounts; 6.

Act not to extend to Scotland or Ireland; 7.

Title of Act; 8.

(No. 2.)

A

B I L L

TO

Abolish Church Rates, and to make other Provisions in lieu thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes, by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling: And whereas it is expedient that the Power to make Church Rates should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Rates to be abolished;

I. From and after the *passing of this Act*, no Church Rate shall be made or levied in any Parish in England or Wales.

except as to Parishes with Local Acts.

II. Provided always, That in any Parish where a Sum of Money has before the *passing of this Act* been legally borrowed under the Provisions of any Act of Parliament on the Security of Church Rates to be made and levied in such Parish, such Rates may still be made and levied for the Purpose of paying off the Money so borrowed, but not otherwise, until the Debt incurred under the Powers and Provisions of such Act shall have been liquidated.

Churchwarden may receive voluntary Contributions for the Purposes of the ParochialChurch.

III. It shall be lawful for any Churchwarden or Churchwardens of a Parish to collect and receive voluntary Contributions for and towards any Purpose or Purposes of the Church of such Parish, or any Purpose or Purposes for which Church Rates have been heretofore legally made and levied; and out of the Funds or Monies resulting therefrom such Churchwarden or Churchwardens shall and may make due Provision for and concerning the decent and orderly Celebration of the Services of the Church, and the Maintenance and Repair of the Goods and Fabric of the Church and of the Churchyard, and shall and may pay all Dues and defray all Charges, as the Churchwardens of a Parish have been heretofore accustomed in virtue of their Office.

Churchwarden to have Power of allotting Pews and Seats.

IV. It shall be lawful, as heretofore, for the Churchwardens of any Parish to assign Pews or Seats in the Parish Church to the Parishioners or Inhabitants of such Parish, as they shall deem most convenient for affording fit and proper Accommodation for them, subject to the Approval of the Ordinary; but such Pews or Seats shall not amount to more than *Two Thirds* of the Pews or Seats in any such Church; and *One Third* of the Pews or Seats in every Parish Church shall be reserved and remain for Free Sittings, to be used by the Parishioners or Inhabitants of such Parish without any Payment whatever: Provided always, that it shall be lawful for the Parishioners or Inhabitants of any Parish in Vestry assembled, if they shall see fit, to fix and charge an Amount of Rent or Rents to be received for the Pews or Seats in the Parish Church, other than the Pews or Seats to be reserved as aforesaid for Free Sittings, and from Time to Time to vary the Amount of such Rent or Rents; and the Produce of the Rent or Rents to be received as aforesaid for such Pews or Seats shall form a Fund out of which Provision may be made for any Purpose or Purposes of the Church of such Parish, or any Purpose or Purposes for which Church Rates have been heretofore made and levied; and any Churchwarden duly admitted shall and may collect and receive the Rent or Rents fixed and charged as aforesaid on the Pews and Seats in the Parish Church, and out of such Rent or Rents, or other Monies which may be lawfully available for such Purposes, shall and may make due Provision for and concerning the decent and orderly Celebration of the Services of the Church, and the Maintenance and Repair of the Goods and Fabric of the Church and of the Churchyard, and shall and may pay all Dues and defray all Charges, as the Churchwardens of a Parish have been heretofore accustomed in virtue of their Office: Provided also, that nothing herein contained shall apply to any Pew or Seat held free of Rent by Faculty or Prescription, but that such Pew or Seat shall be held and enjoyed by the Party or Parties entitled to the same in as free and ample a Manner as before the passing of this Act.

V. Any

Payment of Rent for Pews and Seats.

V. Any Person to whom a Pew or Seat in any Parish Church has been assigned by the Churchwardens of such Parish shall pay the Amount of Rent or Rents fixed and charged to be received for such Pew or Seat, pursuant to the Provisions of this Act, at Two half-yearly Payments, to wit, on Monday next after the Nativity of Saint John the Baptist, and on the Monday next after the Nativity of our Saviour Christ, in every Year: Provided always, that it shall be lawful for any Churchwarden, in case of Nonpayment of the Rent or Rents to be received for any Pew or Seat assigned as aforesaid, to sue for and recover the said Rent or Rents in arrear by Action of Debt in the Name of "the Churchwardens of the Parish" [describing the same], without specifying the Christian Names or Surnames of such Churchwardens, and no such Suit or Action shall abate by reason of the Death or Removal or going out of Office of any Churchwarden.

Election of Auditors and Audit of Accounts.

VI. It shall be lawful for the Parishioners or Inhabitants of any Parish in Vestry assembled to elect *Three* or not more than *Five* Parishioners or Inhabitants of such Parish, who shall be Owners or Occupiers of Pews or Seats in the Parish Church, and of whom One may be the Incumbent or the Minister of the Parish Church, to be Auditors of the Accounts of the Parish Church, which Auditors shall be so elected at the usual Period of appointing Parish Officers in every Year, and the said Auditors shall meet twice at least in every Year, and shall approve the Estimates and audit the Accounts of the Churchwardens of such Parish; and the Churchwardens of every Parish are hereby required to cause a Book or Books to be purchased and kept, and true and regular Accounts to be entered therein of all Sums of Money received or disbursed in virtue of their Office, and of the several Articles, Matters, or Things, for which such Sums of Money shall have been so received or disbursed, and shall lay before the said Auditors at every such Meeting a true Statement or Account in Writing, accompanied with proper Vouchers, of all Rents, voluntary Contributions, and other Monies received or disbursed by them in virtue of their Office; and the said Accounts when audited and approved by the said Auditors or the major Part of them shall be by them signed, and when so signed shall be deposited in the Chest of such Parish, and shall be open and accessible for the Examination at any Vestry of any Parishioner or Inhabitant of such Parish entitled to vote at such Vestry: Provided always, that if any Dispute shall arise about allowing the Accounts of the Churchwardens, such Dispute shall be decided by the Ordinary or his Official, who shall have Power to examine such Accounts, and determine what Articles, Matters, or Things are proper and reasonable and ought to be allowed, and shall thereupon allow the same: Provided also, that the Balance of all Monies remaining in the Hands

of the Churchwardens at the Time of making their Presentments on the Expiration of their Year of Office shall be forthwith handed over by them to their Successors in Office, when duly admitted; and if any Party shall make Default, or neglect or refuse to pay over any such Balance when lawfully required so to do, any Churchwarden duly admitted may sue and recover any such Balance by Action of Debt, in the Name of the Churchwardens of the Parish, in like Manner as in the Case of the Nonpayment of the Rent or Rents to be received for any Pew or Seat in the Parish Church.

Act not to extend to Scotland or Ireland.

VII. This Act shall not extend to Scotland or Ireland.

Title of Act.

VIII. This Act may be cited as "The Church Rate Abolition Act, 1855."

Church Rates Abolition.

(No. 2.)

A

BILL

To abolish Church Rates, and to make other Provisions in lieu thereof.

(Prepared and brought in by Sir William Clay, Mr. Hutt, and Mr. Miall.)

Ordered, *by* The House of Commons, *to be Printed, 25 April* 1855.

[Bill 91.]

Under 1 *oz.*

Cinque Ports Bill.

ARRANGEMENT OF CLAUSES.

Jurisdiction of Lord Warden in Civil Proceedings abolished; Sect. 1.

Writs and Judgments to be directed and executed in the Cinque Ports as in other Places; 2.

Margate and certain other Places served from Dovor, and County Justices to have Jurisdiction; 3.

51 G. 3. c. 36., 5 & 6 W. 4. c. 135., and Section 11. and Part of Section 10. of 6 & 7 W. 4. c. 105. repealed as to Places served from Dovor; 4.

Places served from Dovor to continue liable to existing Debts; 5.

Saving as to Persons committed or held to Bail in Places separate from Dovor; 6.

Compensations; 7.

Prisoners in Gaol of Dovor Castle to be removed to County Gaol; 8.

Saving Clause; 9.

A

BILL

FOR

The better Administration of Justice in the Cinque Ports.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it would conduce to the better Administration of Justice in the Cinque Ports if the Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of Dovor Castle in relation to Civil Suits and Proceedings were abolished; and it is expedient that the Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, which are Members or Liberties of Dovor, One of the said Cinque Ports, should be severed therefrom, and for all Purposes form Part of the County of Kent: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *Thirtieth Day of September One thousand eight hundred and fifty-five* all Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of Dovor Castle in or in relation to the Administration of Justice in Actions, Suits, or other Civil Proceedings at Law or in Equity, or the Execution of Judgments, Writs, and Process therein or connected therewith, shall cease and determine. Jurisdiction of Lord Warden in Civil Proceedings abolished.

Writs and Judgments to be directed and executed in the Cinque Ports as in other Places.

II. From and after the *Thirtieth Day of September One thousand eight hundred and fifty-five* Her Majesty's Writs in or in relation to all Actions, Suits, and Civil Proceedings shall be directed and obeyed, and the Jurisdiction of Her Majesty's Courts of Law and Equity, and of the Judges thereof, and the Judgments and Process thereof in relation to such Actions, Suits, and Proceedings, shall extend and be exercised and executed in respect of, over, and within the Cinque Ports, the Two ancient Towns of Winchelsea and Rye, and their several Members and Liberties, in like Manner and to the same Extent to and for all Intents and Purposes as such Writs, Jurisdiction, Judgments, and Process respectively are now directed, obeyed, exercised, and executed in respect of, over, and within other Places in England; and the Sheriff and other Ministers of Counties shall, in the Execution of such Judgments, Writs, and Process, and for all other Purposes of Civil Justice, have such and the like Powers and Authorities within the Cinque Ports, the said Two ancient Towns, and their several Members and Liberties, as they respectively have in other Parts of their Counties.

Margate and certain other Places severed from Dovor, and County Justices to have Jurisdiction.

III. From and after the said *Thirtieth Day of September One thousand eight hundred and fifty-five* the said Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, shall, to and for all Intents and Purposes, be deemed to be Part of the County of Kent; and the Justices for the Time being assigned to keep the Peace in and for such County shall exercise the Jurisdiction of Justices of the Peace in and for all such Places as fully as by Law they and each of them can or ought to do in and for other Places in such County.

51G. 3. c. 36., 5 & 6 W. 4. c. 135., and Section 11 and Part of Section 10 of 6 & 7 W. 4. c. 105., repealed as to Places severed from Dovor.

IV. From and after the said *Thirtieth Day of September One thousand eight hundred and fifty-five* the Act of the Fifty-first Year of King George the Third, Chapter Thirty-six, and Section One hundred and thirty-five of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, and Section Eleven of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and five, and so much of Section Ten of the same Act as enacts that the Noncorporate Members and Liberties of the Towns and Ports of Hastings, Sandwich, Dovor, and Hythe, and the ancient Town of Rye, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively with a due Proportion of the Expenses of such Towns and Ports and ancient Town respectively, and the Noncorporate Members and Liberties thereof, to the Payment of which Expenses Rates in the Nature of County Rates are applicable, and that the same shall and may be assessed and levied in the Manner in which Rates of that Description

Description were assessed and levied before the passing of the said Act of the Fifth and Sixth Years of King William the Fourth, and that a due Proportion of Inhabitant Householders to serve as Grand Jurors and Jurors at the Courts of General or Quarter Sessions of the Peace of the said Towns and Ports of Hastings, Sandwich, Dovor, and Hythe, and of the said ancient Town of Rye, shall be summoned by the Clerks of the Peace of the said Towns and Ports and ancient Town from the Noncorporate Members and Liberties thereof respectively, and that the Attendance of such Jurors shall be enforced and their Defaults punished in the Manner by the said last-mentioned Act directed with respect to Jurors in Boroughs, shall be repealed so far as the same concern or affect the said Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, and from and after the said *Thirtieth Day of September One thousand eight hundred and fifty-five* no Court of Sessions to be holden for the Town and Port of Dovor, nor any Justices thereof, shall have any Jurisdiction or Authority over or in respect of any of such Places, and no such Place shall be liable to any Rate, Cess, or Impost to which the same or the Inhabitants thereof would but for this Act be liable as such Member or Liberty, save as herein-after otherwise provided.

Places severed from Dover to continue liable to existing Debt.

V. And whereas the several Members or Liberties of the Town and Port of Dovor by this Act severed therefrom are now liable to contribute towards the Payment of Monies which have been borrowed on the Security of the Rates raised within the said Town and Port and the Limbs and Precincts of the same, under the Description of Rates in the Nature of County Rates, and the Interest of such Monies: And whereas Parts of the Monies so borrowed have been from Time to Time paid off, and the Council of the said Town and Port have from Time to Time determined what Portion of such Monies shall be paid off in each Year, and reported to the Recorder of Dovor the rateable Proportion of such Sum and Interest to be assessed and levied upon each of the said Places, and the same has been assessed and levied accordingly: The said Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, shall continue liable to contribute towards the Satisfaction or Payment of the Debt now charged upon the said Rates in like Manner as if this Act had not been passed; and it shall be lawful for the Council of Dovor, and they are hereby required, to declare and determine from Time to Time what Portion of such Debt shall be paid off during any One Year, and to report to the Recorder of Dovor the Sum required to be raised in such Year for paying off such Portion of the said Debt, and the Interest due in such Year in respect

of such Debt; and the said Recorder from Time to Time, at the Quarter Sessions of the Peace for the said Borough of Dovor which shall be held next after any such Report of the said Council shall have been made to him as aforesaid, shall ascertain the proportionate Part of such Sum which will be required to be paid by each of the Places severed from Dovor by this Act, such proportionate Part to be ascertained and regulated by the respective rateable Values of all the Places jointly liable to the said Debt, and shall make a Rate in the Nature of a County Rate upon each of the said Places, severed as aforesaid, sufficient to raise such proportionate Part as aforesaid, with the Costs and Expenses of collecting, levying, and enforcing Payment thereof; and it shall be lawful for the Overseers or other Persons charged with the Collection of Rates made for the Relief of the Poor in each such Place, and they are hereby required to pay to the Treasurer of Dovor the Amount to which the same shall be so rated, by and out of the Monies from Time to Time raised upon such Place by any Rate or Rates made for the Relief of the Poor of such Place; and on Nonpayment thereof to the said Treasurer within *Thirty* Days after Delivery to such Overseers or other Persons as aforesaid of a Copy of the Rate so to be made by the said Recorder as aforesaid, the same shall be recoverable, by the Warrant of any Two Justices of the Peace for the said County of Kent, by Distress and Sale of the Offender's Goods, in like Manner in every respect as any Rate in the Nature of a County Rate may be recovered and enforced by virtue of any Law now in force.

Saving as to Persons committed or held to Bail in Places separate from Dovor.

VI. This Act shall not extend to deprive the Court of General or Quarter Sessions of Dovor of Jurisdiction in the Case of any Person who before the said *Thirtieth Day of September One thousand eight hundred and fifty-five* may have been committed or holden to Bail for Trial at such Court of General or Quarter Sessions from any Place severed from Dovor by this Act, but all Proceedings upon and in relation to such Trial, or preliminary thereto or consequent thereupon, or otherwise consequent upon such Committal or Holding to Bail, shall be continued or had in like Manner in all respects as if this Act had not been passed; and all Expenses incurred by the Town and Port of Dovor in any such Case (the Amount of such Expenses to be ascertained and determined from Time to Time by the Recorder of Dovor) shall be added to the Amount to be raised under the Provision herein-before contained by Rates to be levied upon the Place from which the Person may have been committed or holden to Bail.

Compensations.

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury to award to any Persons who may sustain by reason of the passing of this Act any Loss of Fees, Emoluments, or Advantages accruing

accruing from Offices holden by them such Compensation as, having regard to the Tenure and Nature of such respective Offices, such Commissioners deem just and proper; and all Compensation so to be awarded, except such as may be awarded in respect of any such Loss occasioned by the Severance from Dovor of the Places severed from that Town and Port by this Act, shall be paid out of such Monies as shall be provided by Parliament for this Purpose; and all Compensation so to be awarded in respect of any Loss occasioned by such Severance shall be certified by the said Commissioners of the Treasury to the Recorder of Dovor, and shall be levied rateably upon the Places severed from Dovor by this Act by means of an Addition to the Rates to be made on the said Places for the Payment of the said Debt; and in case any such Compensation as last aforesaid shall continue payable after such Debt is paid off, Rates shall nevertheless continue to be made and levied in like Manner for the Payment of such Compensation until the same is fully paid, and such Compensation shall be paid thereout by the Treasurer of Dovor to the Persons entitled thereto.

Prisoners in Gaol of Dovor Castle to be removed to County Gaol.

VIII. Every Person who, on the said *Thirtieth Day of September One thousand eight hundred and fifty-five*, may be in the Custody of the said Lord Warden, under or by virtue of any Jurisdiction or Authority hereby abolished, shall, as soon as conveniently may be thereafter, without Writ of Habeas corpus or other Writ for that Purpose be removed by the Gaoler or Keeper of the Gaol in Dovor Castle to the Common Gaol of the County in which he may have been arrested under the Writ or other Process for his Arrest and Imprisonment, and shall be by such Gaoler or Keeper delivered into the Custody of the Gaoler or Keeper of such Common Gaol, together with the Writ or other Process by virtue of which such Person was arrested and imprisoned, and all Writs or other Process lodged with such first-mentioned Gaoler or Keeper by virtue of which such Person is or might be detained in the Custody of the said Lord Warden; and the Gaoler or Keeper of the said Common Gaol shall give a Receipt in Writing for every Person so removed to such Common Gaol; and the reasonable Expenses of such Removal shall be paid by the Treasurer of the County to the Common Gaol of which such Persons are so removed; and all Persons who may be in the lawful Custody of the said Lord Warden on the said *Thirtieth Day of September One thousand eight hundred and fifty-five* shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, unless and until they respectively be sooner discharged in due Course of Law; and all Persons so removed shall,

after being delivered into the Custody of the Gaoler or Keeper of the Common Gaol of such County as aforesaid, be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs and Process as aforesaid had been originally directed to and to be executed by such Sheriff.

Saving Clause.

IX. Nothing in this Act shall affect any Jurisdiction, Power, or Authority of the said Lord Warden, or of any of the Officers of the Cinque Ports or other Persons, under any Act relating to the Adjustment of Salvage, or any Jurisdiction, Power, or Authority of the Court of Admiralty of the Cinque Ports, or of any of the Officers of such Court, or the Rights of the said Lord Warden to or in respect of Flotsam, Jetsam, and Lagan.

Cinque Ports.

A

B I L L

For the better Administration of Justice in the Cinque Ports.

(Prepared and brought in by Mr. Wilson, The Chancellor of the Exchequer, and Mr. Cowper.

Ordered, by The House of Commons, *to be Printed,* 30 *April* 1855.

[Bill 101.] *Under* 1 *oz.*

Cinque Ports Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Jurisdiction of Lord Warden in Civil Proceedings abolished; Sect. 1.

Writs and Judgments to be directed and executed in the Cinque Ports as in other Places; 2.

Clause A.—On petition of Inhabitants of Parishes within the Thanet Division, Her Majesty may order such Parishes to be Part of said County, and County Justices to have Jurisdiction; 3.

Clause B.—Justices of Kent empowered to levy County Rates in the Parishes and Places which may be severed from Dovor; 4.

51 G. 3. c. 36., 5 & 6 W. 4. c. 135., and Section 11. and Part of Section 10. of 6 & 7 W. 4. c. 105., repealed as to Places severed from Dovor; 5.

Places severed from Dovor to continue liable to existing Debt; 6.

Saving as to Persons committed or held to Bail in Places separate from Dovor; 7.

Compensations; 8.

Prisoners in Gaol of Dovor Castle to be removed to County Gaol; 9.

Saving Clause; 10.

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

The better Administration of Justice in the Cinque Ports.

[*The Clauses* A. *and* B. *were added in Committee.*]

WHEREAS it would conduce to the better Administration of Justice in the Cinque Ports if the Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of Dovor Castle in relation to Civil Suits and Proceedings were abolished; and it is expedient that the Parishes or Places of Saint John the Baptist (called Margate), Saint Peter the Apostle, Birchington, and Acol otherwise the Ville of Wood, Fordwich, Sarre, Beakesbourne, and Grange otherwise Gench, which are Members or Liberties of Dovor, One of the said Cinque Ports, should be severed therefrom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the Thirtieth Day of September One thousand eight hundred and fifty-five all Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of Dovor Castle in or in relation to the Administration of Justice in Actions, Suits, or other Civil Proceedings at Law or in Equity, or the Execution of Judgments, Writs, and Process therein or connected therewith, shall cease and determine: Provided always, that the said Lord Warden Jurisdiction of Lord Warden in Civil Proceedings abolished.

and Constable shall have and retain Jurisdiction, Power, and Authority to execute all Writs of Fieri facias directed to and received by him on or before the said Thirtieth Day of September One thousand eight hundred and fifty-five, as fully, to all Intents and Purposes, as if this Act had not passed.

Writs and Judgments to be directed and executed in the Cinque Ports as in other Places.

II. From and after the Thirtieth Day of September One thousand eight hundred and fifty-five Her Majesty's Writs in or in relation to all Actions, Suits, and Civil Proceedings shall be directed and obeyed, and the Jurisdiction of Her Majesty's Courts of Law and Equity, and of the Judges thereof, and the Judgments and Process thereof in relation to such Actions, Suits, and Proceedings, shall extend and be exercised and executed in respect of, over, and within the Cinque Ports, the Two ancient Towns of Winchelsea and Rye, and their several Members and Liberties, in like Manner and to the same Extent to and for all Intents and Purposes as such Writs, Jurisdiction, Judgments, and Process respectively are now directed, obeyed, exercised, and executed in respect of, over, and within other Places in England; and the Sheriff and other Ministers of Counties shall, in the Execution of such Judgments, Writs, and Process, and for all other Purposes of Civil Justice, have such and the like Powers and Authorities within the Cinque Ports, the said Two ancient Towns, and their several Members and Liberties, as they respectively have in other Parts of their Counties.

Clause A. On petition of Inhabitants of Parishes within the Thanet Division, Her Majesty may order such Parishes to be Part of said County,

III. If the Persons rated to the Relief of the Poor within the District or Division called the Thanet Division of Dovor, which comprises the Parishes or Places of Saint John the Baptist (called Margate), Saint Peter the Apostle, Birchington, Acol otherwise the Ville of Wood, Fordwich, Sarre, Beakesbourne, and Grange otherwise Gench, or the Persons so rated within any One or more of such Parishes or Places, shall petition Her Majesty, stating that the Justices of the County of Kent, at their Annual General Session, or at any Adjournment thereof, have resolved that the Parishes or Places aforesaid or any One or more of them may be permitted to belong to the County of Kent, on Payment by the said Parishes or Places to the County of a Sum of Money to be named in such Resolution, in respect of the Expenditure made by the said Justices in Gaols, Houses of Correction, Courts of Justice, Lunatic Asylums, and other Buildings, and praying that the Parishes or Places aforesaid or any One or more of them may be deemed to be Part of the said County, it shall be lawful for Her Majesty, if she shall think fit, by the Advice of Her Privy Council, to order that the said Parishes or Places or such One or more of them as shall so petition shall, from a Date to be fixed in such Order, be deemed to be Part of the said County; and from and after that Period the Justices for the Time being assigned to keep the Peace in and for such

such County shall exercise the Jurisdiction of Justices of the Peace in and for the Parishes or Places named in such Order as fully as by Law they and each of them can or ought to do in and for other Places in such County.

and County Justices to have Jurisdiction.

IV. It shall be lawful for the Justices of the said County of Kent, at their Annual General Session, or at any Adjournment thereof to be holden after such Order, to levy and raise upon and from the rateable Property of the Inhabitants of the Parishes or Places comprised in the said Order the Sum of Money mentioned in such Resolution, by such annual or other Instalments as may in such Resolution have been stipulated and agreed by fair and equal Rates in the Nature of County Rates to be paid to the Treasurer of the said County, and applied in aid of the County Rate, and the said Justices of the said County shall have the same Powers and Remedies for making, levying, and recovering the said Rates as they now or for the Time being may by Law have for making, levying, and recovering the County Rates from Parishes lying partly within the Jurisdiction of the Justices of the said County, subject to all Rights and Remedies of Appeal and otherwise to which County Rates are or may be liable.

Clause B. Justices of Kent empowered to levy County Rates in the Parishes and Places which may be severed from Dovor.

V. From and after the Day fixed in such Order, or from and after the granting of a Charter of Incorporation to the said Parishes or Places or any One of them, or any Part or Parts thereof, the Act of the Fifty-first Year of King George the Third, Chapter Thirty-six, and Section One hundred and thirty-five of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, and Section Eleven of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and five, and so much of Section Ten of the same Act as enacts that the Noncorporate Members and Liberties of the Towns and Ports of Hastings, Sandwich, Dovor, and Hythe, and ancient Town of Rye, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively with a due Proportion of the Expenses of such Towns and Ports and ancient Town respectively, and the Noncorporate Members and Liberties thereof, to the Payment of which Expenses Rates in the Nature of County Rates are applicable, and that the same shall and may be assessed and levied in the Manner in which Rates of that Description were assessed and levied before the passing of the said Act of the Fifth and Sixth Years of King William the Fourth, and that a due Proportion of Inhabitant Householders to serve as Grand Jurors and Jurors at the Courts of General or Quarter Sessions of the Peace of the said Towns and Ports of Hastings, Sandwich, Dovor, and Hythe,

51 G. 3. c. 36., 5 & 6 W. 4. c. 135., and Section 11. and Part of Section 10. of 6 & 7 W. 4. c. 105., repealed as to Places severed from Dovor.

Hythe, and of the said ancient Town of Rye, shall be summoned by the Clerks of the Peace of the said Towns and Ports and ancient Town from the Noncorporate Members and Liberties thereof respectively, and that the Attendance of such Jurors shall be enforced and their Defaults punished in the Manner by the said last-mentioned Act directed with respect to Jurors in Boroughs, shall be repealed so far as the same concern or affect the Parishes or Places named in such Order, or in case of a Charter of Incorporation the Part thereof comprised in such Charter, and from and after the Day fixed in such Order, or from and after the Date of such Charter of Incorporation, no Court of Sessions to be holden for the Town and Port of Dovor, nor any Justices thereof, shall have any Jurisdiction or Authority over or in respect of the Parishes or Places comprised in the said Order, or the District comprised in any such Charter, as the Case may be, and no such Parish, Place, or District shall be liable to any Rate, Cess, or Impost to which the same or the Inhabitants thereof would but for this Act be liable as such Member or Liberty, save as herein-after otherwise provided.

Places severed from Dovor to continue liable to existing Debt.

VI. And whereas the said Parishes or Places are now liable to contribute towards the Payment of Monies which have been borrowed on the Security of the Rates raised within the said Town and Port and the Limbs and Precincts of the same, under the Description of Rates in the Nature of County Rates, and the Interest of such Monies: And whereas Parts of the Monies so borrowed have been from Time to Time paid off, and the Council of the said Town and Port have from Time to Time determined what Portion of such Monies shall be paid off in each Year, and reported to the Recorder of Dovor the rateable Proportion of such Sum and Interest to be assessed and levied upon each of the said Places, and the same has been assessed and levied accordingly: The said Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, shall, notwithstanding any such Order or Charter, continue liable to contribute towards the Satisfaction or Payment of the Debt now charged upon the said Rates; and it shall be lawful for the Council of Dovor, and they are hereby required, to declare and determine from Time to Time what Portion of such Debt shall be paid off during any One Year, and to report to the Recorder of Dovor the Sum required to be raised in such Year for paying off such Portion of the said Debt, and the Interest due in such Year in respect of such Debt; and the said Recorder from Time to Time, at the Quarter Sessions of the Peace for the said Borough of Dovor which shall be held next after any such Report of the said Council shall have been made to him as aforesaid, shall ascertain the proportionate

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Part of such Sum which will be required to be paid by each of the Places severed from Dovor by such Order or Charter as aforesaid, such proportionate Part to be ascertained and regulated by the respective rateable Values of all the Places jointly liable to the said Debt, and shall make a Rate in the Nature of a County Rate upon each of the said Places, severed as aforesaid, sufficient to raise such proportionate Part as aforesaid, with the Costs and Expenses of collecting, levying, and enforcing Payment thereof; and it shall be lawful for the Overseers or other Persons charged with the Collection of Rates made for the Relief of the Poor in each such Place, and they are hereby required to pay to the Treasurer of Dovor the Amount to which the same shall be so rated, by and out of the Monies from Time to Time raised upon such Place by any Rate or Rates made for the Relief of the Poor of such Place; and on Nonpayment thereof to the said Treasurer within Thirty Days after Delivery to such Overseers or other Persons as aforesaid of a Copy of the Rate so to be made by the said Recorder as aforesaid, the same shall be recoverable, by the Warrant of any Two Justices of the Peace for the said County of Kent, by Distress and Sale of the Offender's Goods, in like Manner in every respect as any Rate in the Nature of a County Rate may be recovered and enforced by virtue of any Law now in force.

Saving as to Persons committed or held to Bail in Places separate from Dovor.

VII. This Act shall not extend to deprive the Court of General or Quarter Sessions of Dovor of Jurisdiction in the Case of any Person who before such Order or Charter as aforesaid may have been committed or holden to Bail for Trial at such Court of General or Quarter Sessions from any Place severed from Dovor by this Act, but all Proceedings upon and in relation to such Trial, or preliminary thereto or consequent thereupon, or otherwise consequent upon such Committal or Holding to Bail, shall be continued or had in like Manner in all respects as if such Order or Charter had not been made or obtained; and all Expenses incurred by the Town and Port of Dovor in any such Case (the Amount of such Expenses to be ascertained and determined from Time to Time by the Recorder of Dovor) shall be added to the Amount to be raised under the Provision herein-before contained by Rates to be levied upon the Place from which the Person may have been committed or holden to Bail.

Compensations.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to award to any Persons who may sustain by reason of the passing of this Act, or of any such Order or Charter, any Loss of Fees, Emoluments, or Advantages accruing from Offices holden by them such Compensation as, having regard to the Tenure and Nature of such respective Offices, such Commissioners

sioners deem just and proper; and all Compensation so to be awarded, except such as may be awarded in respect of any such Loss occasioned by the Severance from Dovor of the Places severed from that Town and Port by such Order or Charter, shall be paid out of such Monies as shall be provided by Parliament for this Purpose; and all Compensation so to be awarded in respect of any Loss occasioned by such Order or Charter shall be certified by the said Commissioners of the Treasury to the Recorder of Dovor, and shall be levied rateably upon the Places to which such Order or Charter shall relate by means of an Addition to the Rates to be made on the said Places for the Payment of the said Debt; and in case any such Compensation as last aforesaid shall continue payable after such Debt is paid off, Rates shall nevertheless continue to be made and levied in like Manner for the Payment of such Compensation until the same is fully paid, and such Compensation shall be paid thereout by the Treasurer of Dovor to the Persons entitled thereto.

Prisoners in Gaol of Dovor Castle to be removed to County Gaol.

IX. Every Person who on the said Thirtieth Day of September One thousand eight hundred and fifty-five may be in the Custody of the said Lord Warden, under or by virtue of any Jurisdiction or Authority hereby abolished, shall, as soon as conveniently may be thereafter, without Writ of Habeas corpus or other Writ for that Purpose be removed by the Gaoler or Keeper of the Gaol in Dovor Castle to the Common Gaol of the County in which he may have been arrested under the Writ or other Process for his Arrest and Imprisonment, and shall be by such Gaoler or Keeper delivered into the Custody of the Gaoler or Keeper of such Common Gaol, together with the Writ or other Process by virtue of which such Person was arrested and imprisoned, and all Writs or other Process lodged with such first-mentioned Gaoler or Keeper by virtue of which such Person is or might be detained in the Custody of the said Lord Warden; and the Gaoler or Keeper of the said Common Gaol shall give a Receipt in Writing for every Person so removed to such Common Gaol; and the reasonable Expenses of such Removal shall be paid by the Commissioners of Her Majesty's Treasury; and all Persons who may be in the lawful Custody of the said Lord Warden on the said Thirtieth Day of September One thousand eight hundred and fifty-five shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, unless and until they respectively be sooner discharged in due Course of Law; and all Persons so removed shall, after being delivered into the Custody of the Gaoler or Keeper of the Common Gaol of such County as aforesaid, be deemed to be in the legal Custody of the Sheriff and

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of such Gaoler or Keeper, in like Manner as if all such Writs and Process as aforesaid had been originally directed to and to be executed by such Sheriff.

X. Nothing in this Act shall affect any Jurisdiction, Power, or Authority of the said Lord Warden, or of any of the Officers of the Cinque Ports or other Persons, under any Act relating to the Adjustment of Salvage, or any Jurisdiction, Power, or Authority of the Court of Admiralty of the Cinque Ports, or of any of the Officers of such Court, or the Rights of the said Lord Warden to or in respect of Flotsam, Jetsam, and Lagan. Saving Clause.

Cinque Ports.

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BILL

[AS AMENDED IN COMMITTEE]

For the better Administration of Justice in the Cinque Ports.

(Prepared and brought in by Mr. Wilson, the Chancellor of the Exchequer, and Mr. Cowper.)

Ordered, by The House of Commons, *to be Printed,* 7 *June* 1855.

[Bill 161.]

Under 2 oz.

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BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Administration of Justice in the Cinque Ports.

[Note.—The Words in *Italics* were omitted, and the Words in Red Ink were inserted, by the Lords.]

Preamble.

WHEREAS it would conduce to the better Administration of Justice in the Cinque Ports if the Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of *Dovor* Dover Castle in relation to Civil Suits and Proceedings were abolished; and it is expedient that the Parishes or Places of Saint John the Baptist (called Margate), Saint Peter the Apostle, Birchington, Acol otherwise the Ville of Wood, *Fordwich*, *Sarre*, Beakesbourne, and Grange otherwise Grench, which are Members or Liberties of *Dovor*, Dover or some other of the said Cinque Ports, should be severed therefrom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Jurisdiction of Lord Warden in Civil Proceedings abolished.

I. From and after the Thirtieth Day of September One thousand eight hundred and fifty-five all Jurisdiction and Authority of the Lord Warden of the Cinque Ports and Constable of *Dovor* Dover Castle in or in relation to the Administration of Justice in Actions, Suits, or other Civil Proceedings at Law or in Equity, or the Execution of Judgments, Writs, and Process therein or connected therewith, shall cease and determine: Provided always, that the said Lord Warden

and Constable shall have and retain Jurisdiction, Power, and Authority to execute all Writs of Fieri facias directed to and received by him on or before the said Thirtieth Day of September One thousand eight hundred and fifty-five, as fully, to all Intents and Purposes, as if this Act had not passed.

Writs and Judgments to be directed and executed in the Cinque Ports as in other Places.

II. From and after the Thirtieth Day of September One thousand eight hundred and fifty-five Her Majesty's Writs in or in relation to all Actions, Suits, and Civil Proceedings shall be directed and obeyed, and the Jurisdiction of Her Majesty's Courts of Law and Equity, and of the Judges thereof, and the Judgments and Process thereof in relation to such Actions, Suits, and Proceedings, shall extend and be exercised and executed in respect of, over, and within the Cinque Ports, the Two ancient Towns of Winchelsea and Rye, and their several Members and Liberties, in like Manner and to the same Extent to and for all Intents and Purposes as such Writs, Jurisdiction, Judgments, and Process respectively are now directed, obeyed, exercised, and executed in respect of, over, and within other Places in England; and the Sheriff and other Ministers of Counties shall, in the Execution of such Judgments, Writs, and Process, and for all other Purposes of Civil Justice, have such and the like Powers and Authorities within the Cinque Ports, the said Two ancient Towns, and their several Members and Liberties, as they respectively have in other Parts of their Counties.

On Petition of Inhabitants of Parishes within the Thanet Division, Her Majesty may order such Parishes to be Part of said County,

III. If the Persons rated to the Relief of the Poor within the District or Division called the Thanet Division of *Dovor* Dover, which comprises the Parishes or Places of Saint John the Baptist (called Margate), Saint Peter the Apostle, Birchington, Acol otherwise the Ville of Wood, or within the *Borough of Fordwich, or the* Parishes of *Sarre*, Beakesbourne, and Grange otherwise Grench, or the Persons so rated within any One or more of such Parishes or Places, shall petition Her Majesty, stating that the Justices of the County of Kent, at their Annual General Session, or at any Adjournment thereof, have resolved that the Parishes or Places aforesaid or any One or more of them may be permitted to belong to the County of Kent, on Payment by the said Parishes or Places to the County of a Sum of Money to be named in such Resolution, in respect of the Expenditure made by the said Justices in Gaols, Houses of Correction, Courts of Justice, Lunatic Asylums, and other Buildings, and praying that the Parishes or Places aforesaid or any One or more of them may be deemed to be Part of the said County, it shall be lawful for Her Majesty, if she shall think fit, by the Advice of Her Privy Council, to order that the said Parishes or Places or such One or more of them as shall so petition shall, from a Date to be fixed in such Order, be deemed to be Part of the said County; and from and after that Period the

the Justices for the Time being assigned to keep the Peace in and for such County shall exercise the Jurisdiction of Justices of the Peace in and for the Parishes or Places named in such Order as fully as by Law they and each of them can or ought to do in and for other Places in such County.

and County Justices to have Jurisdiction.

IV. It shall be lawful for the Justices of the said County of Kent, at their Annual General Session, or at any Adjournment thereof to be holden after such Order, to levy and raise upon and from the rateable Property of the Inhabitants of the Parishes or Places comprised in the said Order the Sum or Sums of Money mentioned in such Resolution, by such annual or other Instalments as may in such Resolution have been stipulated and agreed by fair and equal Rates in the Nature of County Rates to be paid to the Treasurer of the said County, and applied in aid of the County Rate, and the said Justices of the said County shall have the same Powers and Remedies for making, levying, and recovering the said Rates as they now or for the Time being may by Law have for making, levying, and recovering the County Rates from Parishes lying partly within the Jurisdiction of the Justices of the said County, subject to all Rights and Remedies of Appeal and otherwise to which County Rates are or may be liable.

Justices of Kent empowered to levy County Rates in the Parishes and Places which may be severed from Dover.

V. From and after the Day fixed in such Order, or from and after the granting of a Charter of Incorporation to the said Parishes or Places or any One of them, or any Part or Parts thereof, the Act of the Fifty-first Year of King George the Third, Chapter Thirty-six, and Section One hundred and thirty-five of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, and Section Eleven of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter One hundred and five, and so much of Section Ten of the same Act as enacts that the Noncorporate Members and Liberties of the Towns and Ports of Hastings, Sandwich, *Dovor*, Dover, and Hythe, and ancient Town of Rye, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively with a due Proportion of the Expenses of such Towns and Ports and ancient Town respectively, and the Noncorporate Members and Liberties thereof, to the Payment of which Expenses Rates in the Nature of County Rates are applicable, and that the same shall and may be assessed and levied in the Manner in which Rates of that Description were assessed and levied before the passing of the said Act of the Fifth and Sixth Years of King William the Fourth, and that a due Proportion of Inhabitant Householders to serve as Grand Jurors and Jurors at the Courts of General or Quarter Sessions of the Peace of the said Towns and Ports of Hastings, Sandwich, *Dovor*, Dover, and Hythe,

51 G. 3. c. 36., 5 & 6 W. 4. c. 135., and Section 11. and Part of Section 10. of 6 & 7 W. 4. c. 105., repealed as to Places severed from Dover.

Hythe, and of the said ancient Town of Rye, shall be summoned by the Clerks of the Peace of the said Towns and Ports and ancient Town from the Noncorporate Members and Liberties thereof respectively, and that the Attendance of such Jurors shall be enforced and their Defaults punished in the Manner by the said last-mentioned Act directed with respect to Jurors in Boroughs, shall be repealed so far as the same concern or affect the Parishes or Places named in such Order, or in case of a Charter of Incorporation the Part thereof comprised in such Charter, and from and after the Day fixed in such Order, or from and after the Date of such Charter of Incorporation, no Court of Sessions to be holden for the Town and Port of *Dovor*, Dover, nor any Justices thereof, shall have any Jurisdiction or Authority over or in respect of the Parishes or Places comprised in the said Order, or the District comprised in any such Charter, as the Case may be, and no such Parish, Place, or District shall be liable to any Rate, Cess, or Impost to which the same or the Inhabitants thereof would but for this Act be liable as such Member or Liberty, save as herein-after otherwise provided; provided always, that all Persons who have exercised the Office of Mayor, Aldermen, or Guardians of the Poor in the said Cinque Ports, or any of them, shall be eligible for Re-election, and if elected shall have all the Powers they previously possessed.

Places severed from Dovor to continue liable to existing Debt.

VI. And whereas the said Parishes or Places are now liable to contribute towards the Payment of Monies which have been borrowed on the Security of the Rates raised within the said Town and Port and the Limbs and Precincts of the same, under the Description of Rates in the Nature of County Rates, and the Interest of such Monies: And whereas Parts of the Monies so borrowed have been from Time to Time paid off, and the Council of the said Town and Port have from Time to Time determined what Portion of such Monies shall be paid off in each Year, and reported to the Recorder of *Dovor* Dover the rateable Proportion of such Sum and Interest to be assessed and levied upon each of the said Places, and the same has been assessed and levied accordingly: The said Parishes of Saint John the Baptist (called Margate), Saint Peter the Apostle and Birchington, and Acol otherwise the Ville of Wood, shall, notwithstanding any such Order or Charter, continue liable to contribute towards the Satisfaction or Payment of the Debt now charged upon the said Rates; and it shall be lawful for the Council of *Dovor*, Dover, and they are hereby required, to declare and determine from Time to Time what Portion of such Debt shall be paid off during any One Year, and to report to the Recorder of *Dovor* Dover the Sum required to be raised in such Year for paying off such Portion of the said Debt, and the Interest due in such Year in respect of

of such Debt; and the said Recorder from Time to Time, at the Quarter Sessions of the Peace for the said Borough of *Dovor* Dover which shall be held next after any such Report of the said Council shall have been made to him as aforesaid, shall ascertain the proportionate Part of such Sum which will be required to be paid by each of the Places severed from *Dovor* Dover by such Order or Charter as aforesaid, such proportionate Part to be ascertained and regulated by the respective rateable Values of all the Places jointly liable to the said Debt, and shall make a Rate in the Nature of a County Rate upon each of the said Places, severed as aforesaid, sufficient to raise such proportionate Part as aforesaid, with the Costs and Expenses of collecting, levying, and enforcing Payment thereof; and it shall be lawful for the Overseers or other Persons charged with the Collection of Rates made for the Relief of the Poor in each such Place, and they are hereby required to pay to the Treasurer of *Dovor* Dover the Amount to which the same shall be so rated, by and out of the Monies from Time to Time raised upon such Place by any Rate or Rates made for the Relief of the Poor of such Place; and on Nonpayment thereof to the said Treasurer within Thirty Days after Delivery to such Overseers or other Persons as aforesaid of a Copy of the Rate so to be made by the said Recorder as aforesaid, the same shall be recoverable, by the Warrant of any Two Justices of the Peace for the said County of Kent, by Distress and Sale of the Offender's Goods, in like Manner in every respect as any Rate in the Nature of a County Rate may be recovered and enforced by virtue of any Law now in force.

Saving as to Persons committed or held to Bail in Places separate from Dovor.

VII. This Act shall not extend to deprive the Court of General or Quarter Sessions of *Dovor* Dover of Jurisdiction in the Case of any Person who before such Order or Charter as aforesaid may have been committed or holden to Bail for Trial at such Court of General or Quarter Sessions from any Place severed from *Dovor* Dover by this Act, but all Proceedings upon and in relation to such Trial, or preliminary thereto or consequent thereupon, or otherwise consequent upon such Committal or Holding to Bail, shall be continued or had in like Manner in all respects as if such Order or Charter had not been made or obtained; and all Expenses incurred by the Town and Port of *Dovor* Dover in any such Case (the Amount of such Expenses to be ascertained and determined from Time to Time by the Recorder of *Dovor* Dover) shall be added to the Amount to be raised under the Provision herein-before contained by Rates to be levied upon the Place from which the Person may have been committed or holden to Bail.

Compensations.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to award to any Persons who may sustain by reason of the

the passing of this Act, or of any such Order or Charter, any Loss of Fees, Emoluments, or Advantages accruing from Offices holden by them such Compensation as, having regard to the Tenure and Nature of such respective Offices, such Commissioners deem just and proper; and all Compensation so to be awarded, except such as may be awarded in respect of any such Loss occasioned by the Severance from *Dovor* Dover of the Places severed from that Town and Port by such Order or Charter, shall be paid out of such Monies as shall be provided by Parliament for this Purpose; and all Compensation so to be awarded in respect of any Loss occasioned by such Order or Charter shall be certified by the said Commissioners of the Treasury to the Recorder of *Dovor*, Dover, and shall be levied rateably upon the Places to which such Order or Charter shall relate by means of an Addition to the Rates to be made on the said Places for the Payment of the said Debt; and in case any such Compensation as last aforesaid shall continue payable after such Debt is paid off, Rates shall nevertheless continue to be made and levied in like Manner for the Payment of such Compensation until the same is fully paid, and such Compensation shall be paid thereout by the Treasurer of *Dovor* Dover to the Persons entitled thereto.

Prisoners in Gaol of Dovor Castle to be removed to County Gaol.

IX. Every Person who on the said Thirtieth Day of September One thousand eight hundred and fifty-five may be in the Custody of the said Lord Warden, under or by virtue of any Jurisdiction or Authority hereby abolished, shall, as soon as conveniently may be thereafter, without Writ of Habeas corpus or other Writ for that Purpose be removed by the Gaoler or Keeper of the Gaol in *Dovor* Dover Castle to the Common Gaol of the County in which he may have been arrested under the Writ or other Process for his Arrest and Imprisonment, and shall be by such Gaoler or Keeper delivered into the Custody of the Gaoler or Keeper of such Common Gaol, together with the Writ or other Process by virtue of which such Person was arrested and imprisoned, and all Writs or other Process lodged with such first-mentioned Gaoler or Keeper by virtue of which such Person is or might be detained in the Custody of the said Lord Warden; and the Gaoler or Keeper of the said Common Gaol shall give a Receipt in Writing for every Person so removed to such Common Gaol; and the reasonable Expenses of such Removal shall be paid by the Commissioners of Her Majesty's Treasury; and all Persons who may be in the lawful Custody of the said Lord Warden on the said Thirtieth Day of September One thousand eight hundred and fifty-five shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, unless and until

until they respectively be sooner discharged in due Course of Law; and all Persons so removed shall, after being delivered into the Custody of the Gaoler or Keeper of the Common Gaol of such County as aforesaid, be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs and Process as aforesaid had been originally directed to and to be executed by such Sheriff.

Saving Rights of Lord Warden, &c.

X. Nothing in this Act shall affect any Jurisdiction, Power, or Authority of the said Lord Warden, or of any of the Officers of the Cinque Ports or other Persons, under any Act relating to the Adjustment of Salvage, or any Jurisdiction, Power, or Authority of the Court of Admiralty of the Cinque Ports, or of any of the Officers of such Court, or the Rights of the said Lord Warden to or in respect of Flotsam, Jetsam, and Lagan.

Cinque Ports.

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BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Administration of Justice in the Cinque Ports.

Ordered, by The House of Commons, *to be Printed*, 2 *July* 1855.

[Bill 214.]

Under 1 *oz.*

Coal Mines Inspection Bill.

ARRANGEMENT OF CLAUSES.

Preamble. 13 & 14 Vict. c. 100. recited, and repealed; Sect. 1.
Secretary of State may appoint Inspectors of Coal Mines; 2.
No Land Agent or Manager, &c. of Coal Mine to act as Inspector; 3.
General Rules to be observed in all Coal Mines; 4.
Special Rules to be made for each Colliery, with the Approval of an Inspector; 5.
Publication of Rules; 6.
Powers and Duties of Inspectors; 7.
Owner to produce Map or Plan of Mine to Inspector; who may require such Map to be made; 8.
Notice of Accidents in Mines to be given to Secretary of State; 9.
Notice to be given to the Secretary of State of the holding of Inquests on Deaths from Accidents in Coal Mines; 10.
Penalty on Owner for working a Colliery without complying with this Act; 11.
Where the Offence is committed by an Agent or Servant, he may be proceeded against in the Place of the Owner; 12.
Penalty for obstructing Inspectors; 13.
Penalty for defacing Boards used for Publication of Rules; 14.
Penalties how recoverable; 15.
Persons employed in Collieries violating the Special Rules to be liable to Penalties of 4 G. 4. c. 34. s. 3.;—16.
Certified Copy of Special Rules to be Evidence; 17.
Reports of Inspectors to be laid before Parliament; 18.
Interpretation of Terms; 19.
Act not to extend to Ireland; 20.
Continuance of the Act; 21.

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B I L L

TO

Amend the Law for the Inspection of Coal Mines in Great Britain.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred, was passed "for Inspection of Coal Mines in Great Britain:" And whereas, with a view to the Safety of the Persons employed in such Mines, it is expedient that further Provision be made for the Inspection and Regulation thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 13 & 14 Vict. c. 100.

I. The said Act of the Thirteenth and Fourteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be such Inspectors under this Act, subject, nevertheless, to Removal by One of Her Majesty's Principal Secretaries of State; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed. 13 & 14 Vict. c. 100. repealed.

Secretary of State may appoint Inspectors of Mines.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the London Gazette.

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

III. No Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent of, or be otherwise employed in any Coal Mine or Colliery, shall act as an Inspector of Coal Mines under this Act.

General Rules to be observed in all Coal Mines.

IV. The following Rules (herein-after referred to as the General Rules) shall be observed in every Coal Mine and Colliery by the Owner and Agent thereof:

1. Adequate Means of Ventilation shall be provided, so that there be at all Times a sufficient Current of Air through the Workings to dilute and render harmless all noxious Gases:
2. Every Shaft or Pit which is out of Use, or used only as an Air Pit, shall be securely fenced:
3. Every Working and Pumping Pit or Shaft shall be properly fenced when not at work:
4. Every Working and Pumping Pit or Shaft where the natural Strata are not safe shall be securely cased or lined:
5. Every Working Pit or Shaft where a Steam Engine or other mechanical Power is used shall be provided with Guides or Conductors, and all Cages or Apparatus in which Persons descend and ascend shall be provided with Covers of suitable Strength:
6. Single Link Chains, except the short Coupling Chain at the End of a Rope, shall not be used for lowering or raising Persons in the Pits or Shafts:
7. Every Working Pit or Shaft shall be provided with some proper Means of signalling from the underground Workings to the Surface, and from the Surface to the underground Workings:
8. A proper Indicator to show the Position of the Load in the Pit or Shaft shall be attached to every Machine used for lowering or raising Persons:
9. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve.

Special Rules to be made for each Col-

V. In addition to the General Rules there shall be established and observed in every Coal Mine or Colliery such other Rules (herein-

(herein-after referred to as Special Rules) concerning the Mode of working, and for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine or Colliery, and of all Persons employed in or about the same, as under the particular State and Circumstances of such Coal Mine or Colliery may appear best calculated to prevent dangerous Accidents; and such Special Rules for each Coal Mine or Colliery shall be framed and established by the Owner thereof, with the Approval of One of the Inspectors, and may be from Time to Time (by such Owner, with the like Approval,) amended; and in case of Difference between such Owner and the Inspector as to the Special Rules which may be proper under the State and Circumstances of the Coal Mine or Colliery for the Prevention of dangerous Accidents, or as to any Matter connected with the Establishment of such Special Rules or the Amendment thereof, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon the Representation of such Owner, to appoint a fit Person to determine the Matter in difference, or to determine what Special Rules shall be established in such Coal Mine or Colliery, and the Determination of such last-mentioned Person shall be final, and the Special Rules shall be established accordingly.

liery, with the Approval of an Inspector.

VI. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine or Colliery, the Owner thereof shall cause the General Rules and the Special Rules for such Coal Mine or Colliery to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored as often as the same or any Part thereof may be obliterated or destroyed.

Publication of Rules.

VII. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same; and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine or Colliery; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the

Powers and Duties of Inspectors.

Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any of the General Rules, or any of the Special Rules established for such Coal Mine or Colliery to be neglected or violated, such Inspector shall forthwith give Notice in Writing thereof to the Owner or Agent of such Coal Mine or Colliery; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be otherwise dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon summon before him the Manager or principal Colliery Viewer, or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent do not attend after reasonable Notice, or having attended fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he is of opinion that the said Coal Mine or Colliery is dangerous or defective on the Owner or Agent thereof, and shall also report the same to One of Her Majesty's Principal Secretaries of State.

Owner to produce Map or Plan of Mine to Inspector.

VIII. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Colliery is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of

Inspector may require Map, &c. to be made.

of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided, that nothing herein contained shall be constructed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Notice of Accidents in Mines to be given to Secretary of State.

IX. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery occurs by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Mine or Colliery shall, within *Twenty-four* Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office, by Letter addressed to such Secretary of State or Lord Advocate; and such Owner or Agent shall furnish such Information to such Secretary of State or to the Lord Advocate in relation to such Accident as such Secretary of State or Lord Advocate may require; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than *Ten Pounds* and not exceeding *Twenty Pounds*.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

X. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, *Two* Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent *Two* Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same.

Penalty on Owner for working a Colliery without complying with this Act.

XI. If after the *Day of* *One thousand eight hundred and fifty-five* any Coal Mine or Colliery be worked, and Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine or Colliery by this Act required to be established, have

have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules which ought to be observed by the Owner and Agent of such Coal Mine or Colliery be neglected or violated, the Owner of such Coal Mine or Colliery shall be liable to a Penalty of not exceeding and also, in case the Default or Neglect be not remedied with all reasonable Dispatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine or Colliery, to a further Penalty of not exceeding Pounds for every Day during which the Offence continues after such Notice.

Where the Offence is committed by an Agent or Servant, he may be proceeded against in the Place of the Owner.

XII. Provided always, That any Owner of a Coal Mine or Colliery who is proceeded against for any Penalty under this Act (except for the Non-establishment of Special Rules) shall be entitled, upon Complaint or Information duly made by such Owner, to have any Agent, Servant, or Workman whom he charges as the actual Offender brought by Summons before the Justices, or in Scotland before the Sheriff, at the Time appointed for hearing the Complaint made against such Owner; and if after the Offence has been proved such Owner prove to the Satisfaction of the Justices or Sheriff that he had used due Diligence to enforce the Execution of this Act, and that the said Agent, Servant, or Workman had committed the Offence in question without his Knowledge, Consent, or Connivance, such Agent, Servant, or Workman shall be convicted of such Offence, and shall pay the Penalty or Penalties, instead of the said Owner, and such Penalty or Penalties shall be enforced accordingly.

Penalty for obstructing Inspectors.

XIII. Every Owner or Agent of any Coal Mine or Colliery who refuses or neglects to furnish to any Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who wilfully obstructs any Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than *Five Pounds* and not exceeding *Ten Pounds*.

Penalty for defacing Board used for such Publication.

XIV. Every Person who pulls down or injures any Board hung up or affixed as required by this Act for the Purpose of publishing such General Rules and Special Rules, or obliterates any Part of the Inscription, Letters, or Figures thereon, shall for every such Offence be liable to a Penalty of not exceeding *Forty Shillings*, and shall defray the Expenses attending the Restoration of such Board, which Expenses may be recovered in like Manner as such Penalty.

XV. All

XV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in Scotland before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, in England, be paid to the Treasurer of the County, Riding, Division, or Place for which the Justices before whom the Penalty is recovered shall have acted, and where recovered in Scotland be paid to the Treasurer or Collector of the Funds for the Poor of the Parish in which the Offence has been committed, for the Benefit of the Poor of such Parish.

Penalties how recoverable.

XVI. Any Person employed in or about a Coal Mine or Colliery who violates or neglects to observe any of the Special Rules established therein shall be deemed guilty of Misconduct in the Execution of his Contract of Service, within the Meaning of Section Three of the Act of the Fourth Year of King George the Fourth, Chapter Thirty-four, "to enlarge the Powers of Justices in determining Com- "plaints between Masters and Servants, and between Masters, Ap- "prentices, Artificers, and others," and may be proceeded against and punished according to the Provisions of the said Act; provided that in any such Case Complaint of any such Offence may be made upon Oath either by the Person or Persons with whom the Offender shall have contracted to serve, or by his, her, or their Steward, Manager, or Agent, or by any Inspector, or by any Person employed in or about the same Coal Mine or Colliery, and the said Third Section of the said Act shall be extended and construed accordingly.

Persons employed in Collieries violating the SpecialRules to be liable to Penalties of 4 G. 4. c. 34. s. 3.

XVII. A Copy of the Special Rules for the Time being established in any Coal Mine or Colliery, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine or Colliery, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof.

Certified Copy of Special Rules to be Evidence.

XVIII. All Reports which may be made by the Inspectors to One of Her Majesty's Principal Secretaries of State during any Year shall be laid before both Houses of Parliament in the Month of *February* following, or (if Parliament be not sitting, then) within *Fourteen* Days after the next Meeting of Parliament.

Reports of Inspectors to be laid before Parliament.

Interpretation of Terms.

XIX. In the Construction of this Act, the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines appointed under the said Act of the Thirteenth and Fourteenth Years of Her Majesty, or this Act.

Act not to extend to Ireland.

XX. This Act shall not extend to Ireland.

Continuance of this Act.

XXI. This Act shall continue until the Expiration of *Five* Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Coal Mines Inspection.

A

B I L L

To amend the Law for the Inspection of Coal Mines in Great Britain.

(*Prepared and brought in by Sir George Grey and Mr. Cowper.*)

Ordered, by The House of Commons, *to be Printed,* 15 *May* 1855.

[Bill 124.]

Under 2 oz.

Coal Mines Inspection Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble. 13 & 14 Vict. c. 100. recited, and repealed; Sect. 1.
Secretary of State may appoint Inspectors of Coal Mines; 2.
No Land Agent or Manager, &c. of Coal Mine to act as Inspector; 3.
General Rules to be observed in all Coal Mines; 4.
Special Rules to be made for each Colliery, with the Approval of a Secretary of State; 5.
Publication of Rules; 6.
Powers and Duties of Inspectors; 7.
Owner to produce Map or Plan of Mine to Inspector; who may require such Map to be made; 8.
Notice of Accidents in Mines to be given to Secretary of State; 9.
Notice to be given to the Secretary of State of the holding of Inquests on Deaths from Accidents in Coal Mines; 10.
Penalties for Offences against this Act; 11.
Penalty for obstructing Inspectors; 12.
Penalty for defacing Notices used for Publication of Rules; 13.
Penalties how recoverable; 14.
Certified Copy of Special Rules to be Evidence; 15.
Reports of Inspectors to be laid before Parliament; 16.
Interpretation of Terms; 17.
Act not to extend to Ireland; 18.
Continuance of the Act; 19.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law for the Inspection of Coal Mines in Great Britain.

WHEREAS an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred, was passed "for Inspection of Coal Mines in Great Britain:" And whereas, with a view to the Safety of the Persons employed in such Mines, it is expedient that further Provision be made for the Inspection and Regulation thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 13 & 14 Vict. c. 100.

I. The said Act of the Thirteenth and Fourteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be such Inspectors under this Act, subject, nevertheless, to Removal by One of Her Majesty's Principal Secretaries of State; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed. 13 & 14 Vict. c. 100. repealed.

Secretary of State may appoint Inspectors of Mines.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the London Gazette.

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

III. No Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Coal Mine or Colliery, shall act as an Inspector of Coal Mines under this Act.

General Rules to be observed in all Coal Mines.

IV. The following Rules (herein-after referred to as the General Rules) shall be observed in every Coal Mine and Colliery by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced at all Collieries to dilute and render harmless noxious Gases to such an Extent as that the working Places of the Pits and Levels of such Collieries shall under ordinary Circumstances be in a fit State for working:
2. Every Shaft or Pit which is out of Use, or used only as an Air Pit, shall be securely fenced:
3. Every Working and Pumping Pit or Shaft shall be properly fenced when not at work:
4. Every Working and Pumping Pit or Shaft where the natural Strata are not safe shall be securely cased or lined:
5. Every Working Pit or Shaft shall be provided with some proper Means of signalling from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:
6. A proper Indicator to show the Position of the Load in the Pit or Shaft shall be attached to every Machine worked by Steam or Water Power used for lowering or raising Persons:
7. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve.

Special Rules to be made for each Colliery, with the Approval of Secretary of State.

V. In addition to the General Rules there shall be established and observed in every Coal Mine or Colliery such other Rules (herein-after referred to as Special Rules), and for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine or Colliery, and of all Persons employed in or about the same, as under the particular State and Circumstances of such Coal Mine or Colliery may appear best calculated to prevent dangerous Accidents;

dents; and such Special Rules for each Coal Mine or Colliery shall be framed and established by the Owner thereof, with the Approval of One of Her Majesty's Principal Secretaries of State; and such Rules, if approved by such Secretary of State, shall be at once established; and in case such Secretary of State shall disapprove of such Rules when submitted to him for Approval, or of any of them, it shall be lawful for such Secretary of State to propose any Alterations in or Additions to such Special Rules; and in case such Owner shall object to such Alterations or Additions, or any of them, it shall be lawful for such Secretary of State to appoint One or more Mining Engineer or Engineers of Experience in the District within which such Coal Mine or Colliery is situate to determine the Matter in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery, and the Determination of such last-mentioned Person or Persons shall be final, and the Special Rules shall be established accordingly: Provided, that after such Rules are established by Approval of the Secretary of State or after such Reference as aforesaid, it shall be lawful for the Owner of any Coal Mine or Colliery to propose from Time to Time to such Secretary of State any Amendments of such Rules, which Amendments, if approved by such Secretary of State, shall be at once established; and in case such Secretary of State shall disapprove wholly or in part of such Amendments, the same Proceedings shall be had respecting them as herein-before provided in reference to the Special Rules when originally submitted to such Secretary of State and disapproved of.

Publication of Rules.

VI. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine or Colliery, the Owner thereof shall cause the General Rules and the Special Rules for such Coal Mine or Colliery to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed, and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same.

Powers and Duties of Inspectors.

VII. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching

the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine or Colliery; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any of the General Rules or any of the Special Rules established for such Coal Mine or Colliery to be neglected or wilfully violated, such Inspector shall forthwith give Notice in Writing thereof to the Owner or Agent of such Coal Mine or Colliery; and if such Inspector find any Part of such Coal Mine or Colliery, Works, or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be otherwise dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon, by Notice in Writing, summon before him at the Colliery Office the Manager or principal Colliery Viewer, or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent do not attend after reasonable Notice, or having attended fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he is of opinion that the said Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective on the Owner or Agent thereof, and shall also report the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Notice as the Secretary of State shall so direct shall be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery.

Owner to produce Map or Plan of Mine to Inspector.

VIII. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such

Inspector may require Map, &c. to be made.

such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Colliery is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided, that nothing herein contained shall be constructed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Notice of Accidents in Mines to be given to Secretary of State.

IX. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery occurs by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Mine or Colliery shall, within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and in all Cases to the Inspector of the District within which such Loss of Life shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office, by Letter addressed to such Secretary of State or Lord Advocate; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

X. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Two Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the

sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, though the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same: Provided always, that it shall be lawful for such Coroner, before the Adjournment of any such Inquest, to take Evidence to identify the Body, and to order the Interment thereof.

Penalties for Offences against this Act.

XI. If after the Thirty-first Day of December One thousand eight hundred and fifty-five any Coal Mine or Colliery be worked, and Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine or Colliery by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine or Colliery be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person shall be liable to a Penalty of not exceeding Five Pounds, and also, in case the Default or Neglect be not remedied with all reasonable Dispatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine or Colliery, to a further Penalty of not exceeding One Pound for every Day during which the Offence continues after such Notice; and every Person other than aforesaid employed in or about a Coal Mine or Colliery who neglects or wilfully violates any of the Special Rules established for such Coal Mine or Colliery shall for every such Offence be liable to a Penalty not exceeding Two Pounds.

Penalty for obstructing Inspectors.

XII. Every Owner or principal Agent of any Coal Mine or Colliery who refuses or neglects to furnish to any Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who wilfully obstructs any Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

Penalty for defacing Notice used for such Publication.

XIII. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings.

Penalties how recoverable.

XIV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in Scotland before the Sheriff having Jurisdiction in the County or Place where the

the Offence is committed, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, in England, be paid to the Treasurer of the County, Riding, Division, or Place for which the Justices before whom the Penalty is recovered shall have acted, and when recovered in Scotland be paid to the Treasurer or Collector of the Funds for the Poor of the Parish in which the Offence has been committed, for the Benefit of the Poor of such Parish.

Certified Copy of Special Rules to be Evidence.

XV. A Copy of the Special Rules for the Time being established in any Coal Mine or Colliery, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine or Colliery, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof.

Reports of Inspectors to be laid before Parliament.

XVI. Every Inspector appointed under this Act shall on or before the First Day of March in every Year make a separate and distinct Report in Writing of his Proceedings under this Act, and shall transmit the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Interpretation of Terms.

XVII. In the Construction of this Act the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or of any Part thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines appointed under the said Act of the Thirteenth and Fourteenth Years of Her Majesty, or this Act.

Act not to extend to Ireland.

XVIII. This Act shall not extend to Ireland.

Continuance of this Act.

XIX. This Act shall continue until the Expiration of Five Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Coal Mines Inspection.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law for the Inspection of Coal Mines in Great Britain.

(*Prepared and brought in by Sir George Grey and Mr. Cowper.*)

Ordered, by The House of Commons, *to be Printed*, 14 *June* 1855.

[Bill 169.]

Under 2 oz.

Coal Mines Inspection Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble. 13 & 14 Vict. c. 100. recited, and repealed; Sect. 1.
Secretary of State may appoint Inspectors of Coal Mines; 2.
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Owner to produce Map or Plan of Mine to Inspector; who may require such Map to be made; 8.
Notice of Accidents in Mines to be given to Secretary of State; 9.
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Penalties for Offences against this Act; 11.
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Reports of Inspectors to be laid before Parliament; 16.
Interpretation of Terms; 17.
Act not to extend to Ireland; 18.
Continuance of the Act; 19.

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BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law for the Inspection of Coal Mines in Great Britain.

WHEREAS an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred, was passed "for Inspection of Coal Mines in Great Britain:" And whereas, with a view to the Safety of the Persons employed in such Mines, it is expedient that further Provision be made for the Inspection and Regulation thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 13 & 14 Vict. c. 100.

I. The said Act of the Thirteenth and Fourteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be such Inspectors under this Act, subject, nevertheless, to Removal by One of Her Majesty's Principal Secretaries of State; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed. 13 & 14 Vict. c. 100. repealed.

Secretary of State may appoint Inspectors of Mines.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the London Gazette.

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

III. No Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Coal Mine or Colliery, shall act as an Inspector of Coal Mines under this Act.

General Rules to be observed in all Coal Mines.

IV. The following Rules (herein-after referred to as the General Rules) shall be observed in every Coal Mine and Colliery by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced at all Collieries to dilute and render harmless noxious Gases to such an Extent as that the working Places of the Pits and Levels of such Collieries shall under ordinary Circumstances be in a fit State for working:
2. Every Shaft or Pit which is out of Use, or used only as an Air Pit, shall be securely fenced:
3. Every Working and Pumping Pit or Shaft shall be properly fenced when not at work:
4. Every Working and Pumping Pit or Shaft where the natural Strata under ordinary Circumstances are not safe shall be securely cased or lined:
5. Every Working Pit or Shaft shall be provided with some proper Means of signalling from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:
6. A proper Indicator to show the Position of the Lode in the Pit or Shaft, and also an adequate Break, shall be attached to every Machine worked by Steam or Water Power used for lowering or raising Persons:
7. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve.

Special Rules to be made for each Colliery, with the Approval of Secretary of State.

V. In addition to the General Rules, there shall be established and observed in every Coal Mine or Colliery such other Rules (herein-after referred to as Special Rules) for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine or Colliery, and of all Persons employed in or about the same, as

as under the particular State and Circumstances of such Coal Mine or Colliery may appear best calculated to prevent dangerous Accidents; and such Special Rules for each Coal Mine or Colliery shall be framed by the Owner thereof, and forthwith transmitted to One of Her Majesty's Principal Secretaries of State; and such Rules, if not objected to by such Secretary of State within Forty Days from the Day upon which they are received by him, shall be established; and in case such Secretary of State shall be of opinion that such Rules or any of them do not sufficiently provide for the Safety of the Person or Persons employed in or about such Coal Mine or Colliery, it shall be lawful for such Secretary of State to propose any Alterations in or Additions to such Special Rules; and in case such Owner shall consent to the same, the Special Rules shall be established with such Alterations and Additions; and in case such Owner shall object to such Alterations or Additions or any of them, it shall be lawful for such Owner to nominate Three or more practical Mining Engineers or other competent Persons of Experience in the District within which such Coal Mine or Colliery is situate, and who shall not be interested in or employed in the Management of such Coal Mine or Colliery, of whom such Secretary of State may appoint One or more, to determine the Matter in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery; and if such Secretary of State shall not within One Month from the Time of such Nomination appoint One or more of the Persons so nominated by the Owner as aforesaid, then and in such Case Two such Mining Engineers or other competent Persons as aforesaid shall be appointed, One of whom shall be named by the Owner of such Coal Mine or Colliery, and One by the Secretary of State; and the said Persons so appointed shall, before they proceed to determine the Matters in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery, appoint a Third Person, being such Mining Engineer or such other competent Person as aforesaid, to be their Umpire in case of Difference of Opinion between them; and the Determination of such Persons and the said Umpire, or of any Two of them, shall be final, and the Special Rules shall be established accordingly: Provided, that after such Rules are established it shall be lawful for the Owner of any Coal Mine or Colliery (or for the Secretary of State) to propose from Time to Time any Amendments of such Rules, which Amendments, if not objected to by the Secretary of State within the Time aforesaid, or Owners, as the Case may be, shall be established; and in case of Objection being made to any of them, and of a Difference arising out of such Objection, the same Proceedings shall be had respecting them as herein-before provided in reference to the Special Rules when originally submitted to such Secretary of State, and objected to: Provided also, that the Amount

of Payment to be made to all such Persons, and to such Umpire so nominated or appointed as aforesaid, for their Services, shall be fixed by such Secretary of State, and paid in equal Moieties by such Owner and the Lords Commissioners of Her Majesty's Treasury, who are hereby authorized to make such Payment accordingly.

Publication of Rules.

VI. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine or Colliery, the Owner thereof shall cause the General Rules and the Special Rules for such Coal Mine or Colliery to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed; and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same.

Powers and Duties of Inspectors.

VII. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine or Colliery; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any of the General Rules or any of the Special Rules established for such Coal Mine or Colliery to be neglected or wilfully violated, such Inspector shall forthwith give Notice in Writing thereof to the Owner or Agent of such Coal Mine or Colliery; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be otherwise dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon, by Notice in Writing, summon before him

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at the Colliery Office the Manager or principal Colliery Viewer or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent do not attend after reasonable Notice, or having attended fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he is of opinion that the said Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, on the Owner or Agent thereof, and shall also report the same to One of Her Majesty's Principal Secretaries of State; and in case of any Difference arising thereupon the same shall be determined in the Manner hereinbefore provided with respect to proposed Alterations or Additions to the Special Rules, and a Copy of such Determination shall be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery: Provided always, that so long as any such Notice or Determination that the Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, shall remain so hung up or affixed, and the Danger or Defect notified therein shall not be removed or remedied, it shall be lawful for any Person employed in or about such Coal Mine or Colliery to discontinue his Service in any Part of such Coal Mine or Colliery to which Part the said Notice shall apply, without being therefore liable to be proceeded against under the Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, Chapter Thirty-four, as for Absence from his Service, or Misconduct in the Execution thereof.

Owner to produce Map or Plan of Mine to Inspector.

VIII. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters

Inspector may require Map, &c. to be made.

and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Colliery is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided, that nothing herein contained shall be constructed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Notice of Accidents in Mines to be given to Secretary of State.

IX. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery occurs by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Mine or Colliery shall, within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and in all Cases to the Inspector of the District within which such Loss of Life shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office, by Letter addressed to such Secretary of State or Lord Advocate, and to the Inspector of the District at his usual Place of Residence; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

X. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Four clear Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same: Provided

vided always, that it shall be lawful for such Coroner, before the Adjournment of any such Inquest, to take Evidence to identify the Body, and to order the Interment thereof.

Penalties for Offences against this Act.

XI. If after the Thirty-first Day of December One thousand eight hundred and fifty-five any Coal Mine or Colliery be worked, and, through the Default of the Owner thereof, Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine or Colliery, by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine or Colliery be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person shall be liable to a Penalty of not exceeding Five Pounds, and also, in case the Default or Neglect be not remedied with all reasonable Dispatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine or Colliery, to a further Penalty of not exceeding One Pound for every Day during which the Offence continues after such Notice; and every Person, other than aforesaid, employed in or about a Coal Mine or Colliery, who neglects or wilfully violates any of the Special Rules established for such Coal Mine or Colliery, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, or to be proceeded against and punished according to the Provisions of the Act Fourth George the Fourth, Chapter Thirty-four, intituled "An Act to "enlarge the Power of Justices in determining Complaints between "Masters and Servants."

Penalty for obstructing Inspectors.

XII. Every Owner or principal Agent of any Coal Mine or Colliery who refuses or neglects to produce, as herein-before required, a Map or Plan of the Workings of a Colliery to any Inspector, or to furnish to said Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who wilfully obstructs any Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

Penalty for defacing Notice used for such Publication.

XIII. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings.

Penalties how recoverable.

XIV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in Scotland

before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Recommendation of One of Her Majesty's Principal Secretaries of State, to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, be paid, for the Use of Her Majesty, to the Sheriff or other proper Officer of the County, Riding, Division, or Place for which the Justices or other competent Authority before whom the Penalty is recovered shall have acted.

Certified Copy of Special Rules to be Evidence.

XV. A Copy of the Special Rules for the Time being established in any Coal Mine or Colliery, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine or Colliery, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof.

Reports of Inspectors to be laid before Parliament.

XVI. Every Inspector shall on or before the First Day of March in every Year make a separate and distinct Report in Writing of his Proceedings during the preceding Year, and shall transmit the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Interpretation of Terms.

XVII. In the Construction of this Act the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or of any Part thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines appointed under the said Act of the Thirteenth and Fourteenth Years of Her Majesty or this Act; and the Term "District" shall mean that Portion of Great Britain which shall be assigned to any One of such Inspectors.

Act not to extend to Ireland.

XVIII. This Act shall not extend to Ireland.

Continuance of this Act.

XIX. This Act shall continue until the Expiration of Five Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Coal Mines Inspection.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Law for the Inspection of Coal Mines in Great Britain.

(Prepared and brought in by Sir George Grey and Mr. Cowper.)

Ordered, by The House of Commons, *to be Printed,* 4 *July* 1855.

[Bill 219.]

Under 2 oz.

Coal Mines Inspection Bill.

[AS AMENDED BY THE LORDS.]

ARRANGEMENT OF CLAUSES.

Preamble. 13 & 14 Vict. c. 100. recited, and repealed; Sect. 1.
Secretary of State may appoint Inspectors of Coal Mines; 2.
No Land Agent or Manager, &c. of Coal Mine to act as Inspector; 3.
General Rules to be observed in all Coal Mines; 4.
Special Rules to be made for each Colliery, with the Approval of a Secretary of State; 5.
Publication of Rules; 6.
Powers and Duties of Inspectors; 7.
Owner to produce Map or Plan of Mine to Inspector; who may require such Map to be made; 8.
Notice of Accidents in Mines to be given to Secretary of State; 9.
Notice to be given to the Secretary of State of the holding of Inquests on Deaths from Accidents in Coal Mines; 10.
Penalties for Offences against this Act; 11.
Penalty for obstructing Inspectors; 12.
Penalty for defacing Notices used for Publication of Rules; 13.
Penalties how recoverable; 14.
Certified Copy of Special Rules to be Evidence; 15.
Reports of Inspectors to be laid before Parliament; 16.
Interpretation of Terms; 17.
Act not to extend to Ireland; 18.
Continuance of the Act; 19.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to amend the Law for the Inspection of Coal Mines in Great Britain.

[Note.—*The Words printed in Italics were inserted, and the Words struck out were omitted, by the Lords.*]

WHEREAS an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter One hundred, was passed "for Inspection of Coal "Mines in Great Britain:" And whereas, with a view to the Safety of the Persons employed in such Mines, it is expedient that further Provision be made for the Inspection and Regulation thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 13 & 14 Vict. c. 100.

I. The said Act of the Thirteenth and Fourteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be such Inspectors under this Act, subject, nevertheless, to Removal by One of Her Majesty's Principal Secretaries of State; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed. 13 & 14 Vict. c. 100. repealed.

Secretary of State may appoint Inspectors of Mines.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the London Gazette.

No Land Agent or Manager, &c. of Coal Mine to act as Inspector.

III. No Person who shall act or practise as a Land Agent, or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Coal Mine or Colliery, shall act as an Inspector of Coal Mines under this Act.

General Rules to be observed in all Coal Mines.

IV. The following Rules (herein-after referred to as the General Rules) shall be observed in every Coal Mine and Colliery by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced at all Collieries to dilute and render harmless noxious Gases to such an Extent as that the working Places of the Pits and Levels of such Collieries shall under ordinary Circumstances be in a fit State for working:
2. Every Shaft or Pit which is out of Use, or used only as an Air Pit, shall be securely fenced:
3. Every Working and Pumping Pit or Shaft shall be properly fenced when not at work:
4. Every Working and Pumping Pit or Shaft where the natural Strata under ordinary Circumstances are not safe shall be securely cased or lined:
5. Every Working Pit or Shaft shall be provided with some proper Means of signalling from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:
6. A proper Indicator to show the Position of the ~~Lode~~ *Load* in the Pit or Shaft, and also an adequate Break, shall be attached to every Machine worked by Steam or Water Power used for lowering or raising Persons:
7. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve.

Special Rules to be made for each Colliery, with the Approval of Secretary of State.

V. In addition to the General Rules, there shall be established and observed in every Coal Mine or Colliery such other Rules (herein-after referred to as Special Rules) for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine or Colliery, and of all Persons employed in or about the same, as

as under the particular State and Circumstances of such Coal Mine or Colliery may appear best calculated to prevent dangerous Accidents; and such Special Rules for each Coal Mine or Colliery shall be framed by the Owner thereof, and forthwith transmitted to One of Her Majesty's Principal Secretaries of State; and such Rules, if not objected to by such Secretary of State within Forty Days from the Day upon which they are received by him, shall be established; and in case such Secretary of State shall be of opinion that such Rules or any of them do not sufficiently provide for the Safety of the Person or Persons employed in or about such Coal Mine or Colliery, it shall be lawful for such Secretary of State, within the Forty Days aforesaid, to propose any Alterations in or Additions to such Special Rules; and in case such Owner shall not, within Twenty Days from the Day on which such Alterations or Additions are proposed to him, object to the same, the Special Rules shall be established with such Alterations and Additions; and in case such Owner shall, within the said Twenty Days, object to such Alterations or Additions or any of them, it shall be lawful for such Owner, within Seven Days after he shall have so objected, to nominate Three or more practical Mining Engineers or other competent Persons of Experience in the District within which such Coal Mine or Colliery is situate, and who shall not be interested in or employed in the Management of such Coal Mine or Colliery, of whom such Secretary of State may appoint One or more, to determine the Matter in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery; and if such Owner shall not within such Seven Days nominate such Mining Engineers as aforesaid, or if such Secretary of State shall not within One Month from the Time of such Nomination appoint One or more of the Persons so nominated by the Owner as aforesaid, then and in such Case Two such Mining Engineers or other competent Persons as aforesaid shall be appointed, One of whom shall be named by the Owner of such Coal Mine or Colliery, and One by the Secretary of State; and the said Persons so appointed shall, before they proceed to determine the Matters in difference, and to decide what Special Rules shall be established in such Coal Mine or Colliery, appoint a Third Person, being such Mining Engineer or such other competent Person as aforesaid, to be their Umpire in case of Difference of Opinion between them; and the Determination of such Persons and the said Umpire, or of any Two of them, shall be final, and the Special Rules shall be established accordingly: Provided, that after such Rules are established it shall be lawful for the Owner of any Coal Mine or Colliery (or for the Secretary of State) to propose from Time to Time any Amendments of such Rules, which Amendments, if not objected to by the Secretary of State within the Time aforesaid, or Owners, as the Case may be,

shall be established; and in case of Objection being made to any of them, and of a Difference arising out of such Objection, the same Proceedings shall be had respecting them as herein-before provided in reference to the Special Rules when originally submitted to such Secretary of State, and objected to: Provided also, that the Amount of Payment to be made to all such Persons, and to such Umpire so nominated or appointed as aforesaid, for their Services, shall be fixed by such Secretary of State, and paid in equal Moieties by such Owner and the Commissioners of Her Majesty's Treasury, who are hereby authorized to make such Payment accordingly.

Publication of Rules.

VI. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine or Colliery, the Owner thereof shall cause the General Rules and the Special Rules for such Coal Mine or Colliery to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed; and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same.

Powers and Duties of Inspectors.

VII. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine or Colliery, and the Works and Machinery belonging thereto, at all reasonable Times and Seasons, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine or Colliery, and to make Inquiry into and touching the State and Condition of such Coal Mine or Colliery, Works and Machinery, and the Ventilation of such Mine or Colliery, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine or Colliery; and the Owner or Agent of such Coal Mine or Colliery is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry; and if such Inspector find any of the General Rules or any of the Special Rules established for such Coal Mine or Colliery to be neglected or wilfully violated, such Inspector shall forthwith give Notice in Writing thereof to the Owner or Agent of such Coal Mine or Colliery; and if such Inspector find any Part of such Coal Mine or Colliery, Works or Machinery, or any Aircourses, Airdoors, Waterways, Drains, Pits, Levels, Shafts, or other Matter or Thing in

or

or connected with such Coal Mine or Colliery, or the Mode of lighting or using Lights in the same, to be otherwise dangerous or defective, so as in his Opinion to threaten or tend to the bodily Injury of any Person employed in or about such Coal Mine or Colliery, such Inspector shall thereupon, by Notice in Writing, summon before him at the Colliery Office the Manager or principal Colliery Viewer or Agent having charge of the said Coal Mine or Colliery, in order to his being heard upon the Matter giving rise to such finding as aforesaid; and if such Manager or principal Colliery Viewer or Agent do not attend after reasonable Notice, or having attended fail to satisfy such Inspector, then such Inspector shall serve Notice in Writing of the particular Grounds on which he is of opinion that the said Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, on the Owner or Agent thereof, and shall also report the same to One of Her Majesty's Principal Secretaries of State; and in case of any Difference arising thereupon the same shall be determined in the Manner hereinbefore provided with respect to proposed Alterations or Additions to the Special Rules, and a Copy of such Notice ~~or Determination~~ *in case of no such Difference as aforesaid, or of the Determination in case of such Difference arising*, shall, if the said Danger or Defect be not forthwith removed or remedied, and if the Secretary of State shall so direct, be hung up or affixed on some conspicuous Part of the principal Office or Place of Business of the Coal Mine or Colliery, *and a Copy supplied to every Workman to whom such Notice or Determination shall apply*, such ~~Notice or~~ Copy ~~of Determination~~ to be removed on the Certificate of the Inspector of the District, or of the Persons by whom such Determination shall have been made, that such Danger or Defect has been removed or remedied: Provided always, that so long as any ~~such Notice or Copy of Determination~~ *Copy of such Notice or Determination purporting* that the Coal Mine or Colliery, or any Part thereof, or any other of the Particulars above mentioned, is dangerous or defective, shall remain so hung up or affixed, and the Danger or Defect notified therein shall not be removed or remedied, it shall be lawful for any Person employed in or about such Coal Mine or Colliery to discontinue his Service in any Part of such Coal Mine or Colliery to which Part the said Notice *or Determination* shall apply, without being therefore liable to be proceeded against under the Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, Chapter Thirty-four, as for Absence from his Service, or Misconduct in the Execution thereof: *Provided also, that unless the Owner or Agent on whom the Notice is served as aforesaid shall within Seven Days of such Service signify to the said Inspector his Objections to the same, and at the same Time nominate Three competent Persons as herein-before provided in the Fifth Section with a view to the Determination of such*

such Objection, such Notice shall be considered good and valid, and shall be hung up or affixed as herein-before provided.

Owner to produce Map or Plan of Mine to Inspector.

VIII. The Owner or Agent of every Coal Mine or Colliery shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid a Map or Plan of the Workings of such Coal Mine or Colliery, upon which Map or Plan shall be delineated the several Parts, Aircourses, Airdoors, Waterways, Drains, Pits, Levels, and Shafts in and connected with such Coal Mine or Colliery; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Mine or Colliery is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine or Colliery, and the Works thereto belonging, clearly delineating such Matters and Things as aforesaid, be made within a reasonable Time, by and at the Expense of the Owner of such Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Colliery is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine or Colliery shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine or Colliery up to the Time of his Inspection thereof: Provided, that nothing herein contained shall be constructed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

Inspector may require Map, &c. to be made.

Notice of Accidents in Mines to be given to Secretary of State.

IX. If and when Loss of Life to any Person employed in or about any Coal Mine or Colliery occurs by reason of any Accident within such Coal Mine or Colliery, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, *or if any serious personal Injury arises from Explosion therein*, the Owner or Agent of such Mine or Colliery shall, within Twenty-four Hours next after such Loss of Life, send Notice of such Accident, under the Hand of such Owner or Agent, to One of Her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and in all Cases to the Inspector of the District within which such Loss of Life shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post

Post Office, by Letter addressed to such Secretary of State or Lord Advocate, and to the Inspector of the District at his usual Place of Residence; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty of not less than Ten Pounds and not exceeding Twenty Pounds.

Provision for giving Notice to Secretary of State of holding Inquests on Deaths from Accidents in Coal Mines.

X. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall (unless some Person be present on behalf of One of Her Majesty's Principal Secretaries of State to watch the Proceedings at such Inquest, or Notice of such Accident shall have been sent, Four clear Days at the least previously thereto, through the Post Office, by Letter addressed to One of such Secretaries of State, and the sending of the same be proved to the Satisfaction of the Coroner,) adjourn such Inquest, and by Letter sent Two Days at the least before holding such adjourned Inquest, through the Post Office, addressed to One of such Secretaries of State, give Notice to such Secretary of State of the Time and Place of holding the same: Provided always, that it shall be lawful for such Coroner, before the Adjournment of any such Inquest, to take Evidence to identify the Body, and to order the Interment thereof.

Penalties for Offences against this Act.

XI. If after the Thirty-first Day of December One thousand eight hundred and fifty-five any Coal Mine or Colliery be worked, and, through the Default of the Owner thereof, Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine or Colliery, by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine or Colliery be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person shall be liable to a Penalty of not exceeding Five Pounds, and also, in case the Default or Neglect be not remedied with all reasonable Dispatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine or Colliery, to a further Penalty of not exceeding One Pound for every Day during which the Offence continues after such Notice; and every Person, other than aforesaid, employed in or about a Coal Mine or Colliery, who neglects or wilfully violates any of the Special Rules established for such Coal Mine or Colliery, shall for every such Offence be liable to a Penalty not exceeding Two Pounds, or ~~in default of the Payment of such Penalty~~ *to be imprisoned with or without Hard Labour in*

in the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months, or to be proceeded against and punished according to the Provisions of the Act Fourth George the Fourth, Chapter Thirty-four, intituled "An Act to enlarge the Power "of Justices in determining Complaints between Masters and Servants."

Penalty for obstructing Inspectors.

XII. Every Owner or principal Agent of any Coal Mine or Colliery who refuses or neglects to produce, as herein-before required, a Map or Plan of the Workings of a Colliery to any Inspector, or to furnish to said Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, and every Person who wilfully obstructs any Inspector in the Execution of this Act, shall for every such Offence be liable to a Penalty of not less than Five Pounds and not exceeding Ten Pounds.

Penalty for defacing Notice used for such Publication.

XIII. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings.

Penalties how recoverable.

XIV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in Scotland before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, *within Three Months of the Commission of the same*, in the Manner prescribed by the Law in that Behalf; and it shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Recommendation of One of Her Majesty's Principal Secretaries of State, to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, shall be paid to or among any of the Family or Relatives of any Person or Persons killed by such Accident, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, be paid, for the Use of Her Majesty, to the Sheriff or other proper Officer of the County, Riding, Division, or Place for which the Justices or other competent Authority before whom the Penalty is recovered shall have acted.

Certified Copy of Special Rules to be Evidence.

XV. A Copy of the Special Rules for the Time being established in any Coal Mine or Colliery, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine or Colliery, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof.

Reports of Inspectors to be laid before Parliament.

XVI. Every Inspector shall on or before the First Day of March in every Year make a separate and distinct Report in Writing of his Proceedings during the preceding Year, and shall transmit the same to

to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Interpretation of Terms.

XVII. In the Construction of this Act the Term "Owner" of a Coal Mine or Colliery shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or of any Part thereof; and the Term "Agent" of a Mine shall mean any Person having on behalf of the Owner of any Mine the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines appointed under the said Act of the Thirteenth and Fourteenth Years of Her Majesty or this Act; and the Term "District" shall mean that Portion of Great Britain which shall be assigned to any One of such Inspectors.

Act not to extend to Ireland.

XVIII. This Act shall not extend to Ireland.

Continuance of this Act.

XIX. This Act shall continue until the Expiration of Five Years after the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Coal Mines Inspection.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to amend the Law for the Inspection of Coal Mines in Great Britain.

Ordered, by The House of Commons, *to be Printed*, 2 *August* 1855.

[Bill 285.]

Under 2 oz.

A

BILL

TO

Amend the Procedure in Appeals from the Colonies and Dependencies to the Judicial Committee of the Privy Council.

Preamble.

WHEREAS it is expedient further to amend the Procedure and Practice in Appeals from the Colonies and Dependencies to the Judicial Committee of the Privy Council, with a view to greater Economy, Despatch, and Efficiency: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause.

I. In the Construction of this Act the Word "Judgment" shall include every Decree, Order, Rule, or Sentence, whether preliminary, interlocutory, or final; and the Word "Court" shall include every Tribunal or special Jurisdiction from which an Appeal may be brought to Her Majesty in Council; and the Words "Master of the Court" shall include the Registrar or other proper Officer having the Custody of the Records in any Court; the Word "Appeal" shall include all Petitions and Complaints in the Nature of Appeals brought to Her Majesty in Council other than and except Appeals from Her Majesty's Courts of Vice-Admiralty, to which last this Act

is not to apply; and the Word "Colonies" or "Colony" shall include all and every of Her Majesty's Dependencies and Plantations abroad, the Channel Islands, the Isle of Man, and the Territories of the East India Company.

Questions of Law may be stated in a Special Case.

See G.O.P.C. 13th June 1853, R. 6., 15 & 16 Vict. c. 76. s. 46., 16 & 17 Vict. c. 125. ss. 32. and 39.

II. When in any Appeal whatever the Grounds of Appeal shall turn exclusively on a Question or Questions of Law, the Parties may, by Consent and Leave of the Court appealed from, state such Question or Questions in the Form of a Special Case, (and in case of Difference to be settled by such Court or a Judge thereof,) in which Case shall be set forth so much only of the Pleadings, Evidence, and the Ruling or Judgment objected to as may be necessary to raise the Question or Questions for the Decision of the Lords of the Judicial Committee of the Privy Council.

Special Case as to Facts in Evidence.

16 & 17 Vict. c. 125. s. 32.

III. When the Grounds of Appeal shall involve Error in respect of the Conclusions which the Court has drawn, or failed, refused, or declined to draw, from the Evidence in the Case, the Parties may, by Consent and Leave of the Court, state the Facts or the Evidence in a Special Case for the Decision of the Lords of the Judicial Committee of the Privy Council, who shall be at liberty to draw any Inferences of Fact from the Facts or Evidence stated in such Special Case which the Court below ought to have drawn, and give the same Judgment which that Court ought to have given.

Transcript of Special Case and no other Document to be sent to the Registrar of the Privy Council.

Not to prevent the Judicial Committee from ordering a Transcript of all the Proceedings.

Parties may agree in England on a Special Case.

IV. When the Special Case shall be stated, settled, or otherwise completed, the Appellant shall forthwith lodge the same with the Master of the Court, who shall also forthwith prepare a certified Transcript thereof, and send it by Post to the Registrar of Her Majesty's Privy Council, Whitehall; and the Master need not send a Transcript of any other Paper or Document whatever in or connected with the Case: Provided always, that nothing herein contained shall in any way bar or prevent the Lords of the Judicial Committee from ordering the full Discussion of the whole Case, and ordering the Master to send home a Transcript of the Record and all the Proceedings in the Case, if they shall so think fit; and provided also, that nothing herein contained shall bar or prevent the Parties, if they cannot agree upon a Special Case before a Transcript of the Record and Proceedings in any Case leaves a Colony, from submitting any Question or Questions of Law upon which the Decision of the Appeal is likely to turn to the Lords of the Judicial Committee, in the Form of a Special Case, pursuant to the present Practice in that Behalf.

3 G. O. P. C., 13th June 1853.

V. If the Parties in an Appeal think fit to have the Transcript of the Special Case printed abroad they shall be at liberty to do so, provided

provided they cause *Fifty* Copies of the same to be printed in Folio, and transmitted at their Expense to the Registrar of the Privy Council, Two of which Copies shall be certified by the Master of the Court appealed from to be correct by his signing his Name on every printed Sheet thereof, and by affixing the Seal, if any, of the Court to these Copies, with the Sanction of the Court, and in this Case no further Expense for copying or printing the Record or Transcript or Case shall be incurred or allowed in England. Transcript may be printed abroad.

VI. Whereas by the Charters of Justice, Statutes, Laws, Ordinances, or Rules and Orders creating or regulating the Courts in certain Colonies no Right of Appeal against the Decisions of such Courts is allowed, or such Right is limited to Suits and Actions in which civil Rights of a certain Nature or to a certain Amount or Value are involved, and it is the Practice of the Judicial Committee of the Privy Council, in order to prevent a Failure of Justice, to grant, upon special Petitions in that Behalf, Leave to appeal against such Decisions in certain Cases not provided for by the said Charters, Statutes, Laws, Ordinances, Rules, and Orders, and it is expedient further to facilitate Appeals from such Courts: Be it enacted, That in all the Cases following the Party decided against or complaining that no Judgment has been duly given may appeal to the Judicial Committee of the Privy Council, provided that the Ground of Appeal turns exclusively on a Question or Questions of Law: Appeals allowed in certain Cases.

i. In all Cases in which it shall so happen that no Judgment can be duly given in consequence of a Disagreement of Opinion between the Judges of the Court, or any One of the Judges shall dissent from the Judgment given by the Court, or the Court shall in its Discretion think fit to allow an Appeal:

ii. In all Cases of Rules to enter a Verdict or Nonsuit upon a Point reserved at the Trial, or for a new Trial upon the Ground that a Ruling of the Judge is against Law, if the Rule to show Cause be refused, or, if granted, be then discharged or made absolute, provided any One of the Judges dissent from the Rule being refused, or, when granted, being discharged or made absolute, as the Case may be: Appeal upon Rule refused, discharged, or absolute. 17 & 18 Vict. c. 125. ss. 34. and 35.

iii. In all Cases of Proceedings by Mandamus or Quo warranto or Scire facias to repeal a Patent or Charter, or Information by the Attorney General or Advocate General, or Writ of Intrusion, or other prerogative Writ, or in which the Matter in question relates to the taking or demanding of any Duty payable to Her Majesty, Her Heirs or Successors, or to any Fee of Office or annual Rent, or other such like Matter or

Thing where the Right in future of Her Majesty, Her Heirs or Successors, or of Her Subjects, may be bound:

iv. In all Cases of Indictment or Criminal Information for a Misdemeanor in which the sole Ground of Appeal shall be Error manifest on the Record.

And in all such Cases the Appeal shall be subject to the same Rules and Conditions with reference to entering into Security for Costs in the Colony, and otherwise howsoever, and shall be receivable in the Privy Council without the Necessity of a Special Petition for Leave to appeal, just as if it were an Appeal within the express Provisions of the Charters, Statutes, Laws, Ordinances, Rules, or Orders relating to the Colony from which it shall be brought; or if in such Colony there shall be no Provision for an Appeal then it shall be subject to the general Provisions herein provided, or any general Rules framed or to be framed by Her Majesty in Council in that Behalf; provided always, that no such Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to One of the Masters of the Court, within *Fourteen* Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge thereof, or by any General Rules framed or to be framed by Her Majesty in Council in relation thereto; and provided also, that in all such Cases Security shall be given by the Party Appellant in a Bond, or Mortgage, or personal Recognizance, not exceeding the Value of *Five hundred Pounds* Sterling, for the Prosecution of the Appeal and for the Payment of all such Costs as may be awarded by the Judicial Committee of Her Majesty's Privy Council, to the Party Respondent; and that such Security be completed within *Twenty-eight Days* from the Date of the Motion or Petition for Leave to appeal or delivering the Memorandum alleging Error as herein mentioned, or such further Time as may be allowed by the Court or a Judge thereof, or by any General Rules framed or to be framed by Her Majesty in Council in that Behalf.

Notice of Appeal.
16 & 17 Vict. c. 125. s. 37.

Security for the Prosecution of the Appeal to be given by the Appellant.

VII. In all Cases of Appeal whatever (in which no other special Form or Conditions of proceeding are or shall be provided) the Party decided against or complaining that no Judgment has been duly given may, in addition to applying by Motion or Petition to the Court for Leave

Leave to appeal, give Notice of Appeal and of Joinder in Appeal, and Security in Appeal and in stay of Execution, as follows:

Appeal, how brought. 15 & 16 Vict. c. 76. s. 149.

i. The Party Appellant may deliver to the Master of the Court a Memorandum in Writing in the Form No. 1. contained in the Schedule A. to this Act annexed, or to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Law in the Record and Proceedings, whereupon the Master shall file such Memorandum and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note, together with a Statement of the Grounds of Appeal, may be served on the opposite Party or his Attorney, and a Suggestion to the Effect that Error is alleged by the one Party and denied by the other shall be entered on the Judgment Roll or Record in the Form No. 2. contained in Schedule A. to this Act annexed or to the like Effect, by the Appellant, within *Ten* Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or such other Time as the Court or a Judge may order; and in default thereof the Respondent, his Executors or Administrators, shall be at liberty to sign Judgment of Non-pros., and proceed to Execution:

Entry of Suggestion of Joinder in Appeal to be made by Appellant. 15 & 16 Vict. c. 76. ss. 152. and 153.

Appeal by One of several Persons. 15 & 16 Vict. c. 76. s. 154.

ii. In case Appeal be brought upon a Judgment given against several Persons, and One or some only shall proceed in Appeal, the Note of the Receipt of such Memorandum shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons against whom Judgment has been given decline to join in the Proceedings in Appeal the same may be continued, and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought, without any Summons and Severance; or if such other Persons elect to join, then the Suggestion shall state them to be and they shall be deemed Appellants, although not mentioned as such in the previous Proceedings:

Security for the Prosecution of the Appeal to be given by the Appellant.

iii. The Party Appellant shall give Security in a Bond or Mortgage or personal Recognizance, not exceeding the Value of *Five hundred Pounds*, for the Prosecution of the Appeal, and for the Payment of all such Costs as may be awarded by the Judicial Committee of the Privy Council to the Party Respondent; and such Security shall be completed within *Twenty-eight* Days from the Date of the Motion or Petition for Leave to appeal or delivering the Memorandum alleging Error, or such further Time as may be allowed by the Court or a Judge thereof, or by any General Rules framed or to be framed by Her Majesty in Council in relation thereto.

Bail in Appeal to stay Execution.

15 & 16 Vict. c. 76. s. 151.

iv. Upon any Judgment given or to be given in any Suit, Action, or Proceeding Execution shall not be stayed or delayed by Proceedings in Appeal or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Appellant, in addition to the Security herein-before mentioned, shall within *Four* clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound with *Two*, or by Leave of the Court or a Judge, more than *Two*, sufficient Sureties, such as the Court wherein such Judgment is or shall be given, or a Judge thereof, shall allow of, unto the Party for whom any such Judgment is or shall be given, by Recognizance, to be acknowledged in the same Court, in *double* the Sum adjudged to be recovered by the said Judgment, (except in case of a Penalty, and in case of a Penalty in *double* the Sum really due,) and *double* the Costs, to prosecute the Proceedings in Appeal with Effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Appeal be discontinued by the Appellant) all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages and Interest to be awarded on such Appeal for the delaying of Execution, and give Notice thereof to the Respondent or his Attorney or Agent.

When Colonial Legislature shall pass Laws for facilitating Appeals the Privy Councils may adopt Rules to carry them into effect.

VIII. When and so often as the Legislature of any Colony shall pass any Enactments for the Purpose of simplifying, facilitating, or expediting Appeals, it shall be lawful for the Lords of Her Majesty's Privy Council from Time to Time to adopt such Rules and Orders as they in their Discretion shall think fit for giving Effect to such Enactments, and to revoke, alter, and amend such Rules and Orders as to them shall seem meet.

Not to abridge the Authority of Her Majesty to admit any Appeal.

IX. Provided always, and it is hereby declared and enacted, That nothing herein contained doth or shall extend or be construed to extend to take away or abridge the undoubted Right and Authority of Her Majesty, Her Heirs and Successors, upon the humble Petition of any Person aggrieved by any Judgment of any Court, at any Time to admit his Appeal therefrom, upon such Securities, Limitations, Restrictions, and Regulations as Her Majesty, Her Heirs or Successors, shall think fit, and to reverse, correct, or vary such Judgment as to Her Majesty, Her Heirs or Successors shall seem meet.

SCHE-

SCHEDULE (A.)

No. 1.—*Memorandum of Appeal.*

In the Supreme Court of

The 10th Day of June, A.D. 1856.

[*The Day of lodging the Memorandum.*]

A. B. v. *C.D.*

The *Plaintiff* [*or, Defendant, &c. &c.*] says that there is Error in Law in the Record and Proceedings in this *Action* [*Suit, &c.*], and he therefore appeals to Her Majesty in Council.

(Signed) *A.B.*, Plaintiff.
[*or C.D.*, Defendant.]
[*or E.F.*, Attorney for Plaintiff *or* Defendant.]

No. 2.—*Suggestion of Joinder in Appeal.*

The 20th Day of June, A.D. 1856.

[*The Day of making the Entry on the Roll or Record.*]

The *Plaintiff* [*or, Defendant, &c. &c.*] says that there is Error in the above Record and Proceedings, and the *Defendant* [*or, Plaintiff, &c. &c.*] says there is no Error therein.

Colonial Appeals.

A

BILL

To amend the Procedure in Appeals from the Colonies and Dependencies to the Judicial Committee of the Privy Council.

(*Prepared and brought in by Mr. M'Mahon and Mr. Serjeant Shee.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1855.

[Bill 247.]

Under 1 *oz.*

21 *December* 1854. 18 Vict.

(Ireland.)

A

BILL

TO

Extend to Ireland the Provisions of the Eighteenth Section of the Common Law Procedure Act, 1854.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to extend to Ireland the Provisions contained in the Eighteenth Section of the Common Law Procedure Act, 1854: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 17 & 18 Vict. c. 125.

I. That from and after the *First Day of February next*, whenever any Cause shall be tried in any Court of Civil Jurisdiction in Ireland by any Jury, the Addresses to the Jury shall be regulated as follows; that is to say, the Party who begins, or his Counsel, shall be allowed, in the event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence, to address the Jury a Second Time at the Close of such Case for the Provisions of Section 18. extended to Ireland.

the Purpose of summing up the Evidence, and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence, if any, and the Right to reply shall be the same as at present.

Common Law Procedure Act Amendment.

(Ireland.)

A

BILL

To extend to Ireland the Provisions of the Eighteenth Section of the Common Law Procedure Act, 1854.

(*Prepared and brought in by Mr. Isaac Butt and Mr. Napier.*)

Ordered, by The House of Commons, *to be Printed*, 21 *December* 1854.

[Bill 10.]

Under 1 *oz.*

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Tenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. Inclosures mentioned in Schedule may be proceeded with.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use either the Expression "The "Annual Inclosure Act, 1855," or "The Acts for the Inclosure, "Exchange, and Improvement of Land." Short Title.

SCHE-

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Kirkland	Cumberland	15th June 1854.
North Coats	Lincoln	22d June 1854.
Bowerchalke	Wilts	22d June 1854.
Engollan Common	Cornwall	13th July 1854.
Ulleskelf	York	4th October 1854.
Thrandeston	Suffolk	9th September 1854.
Milburn Fell Pasture	Westmorland	8th June 1854.
Ilkley Cow Pasture	York	4th October 1854.
Great Boughton	Chester	18th May 1854.
Melmerby	Cumberland	14th January 1853.
Dymock	Gloucester	27th October 1854.
Westwick	Cambridge	27th July 1854.
Pendine	Carmarthen	3d January 1855.
Barnes	Surrey	3d January 1855.
Ramsden Bellhouse	Essex	11th January 1855.
West Lulworth and Winfrith Newburgh	Dorset	18th January 1855.
Bootle	Cumberland	17th January 1854.
Penlline and Langan	Glamorgan	25th January 1855.
The Wash Common	Berks	4th January 1855.
Horsepath and Shotover	Oxford	26th January 1855.

Commons Inclosure.

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by Mr. FitzRoy and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1855.

[Bill 42.]

Under 1 *oz.*

4 *July* 1855. 18 & 19 Vict.

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Tenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. Inclosures mentioned in the Schedule may be proceeded with.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use, either the Expression "The Short Title.

Second Annual Inclosure Act," 1855," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Loddiswell - -	Devon - - -	14th December 1854.
Skirwith - - -	Cumberland - -	11th January 1855.
Northweald Bassett -	Essex - -	3d January 1855.
Huntley Common - -	Gloucester - -	10th August 1854.
Marshchapel and Grainthorpe	Lincoln - -	3d March 1855.
Bamford - - -	Derby - -	5th April 1855.
Seaton - - -	Rutland - -	24th June 1854.
Volca Common Meadow -	Hereford - -	19th April 1855.
Myarth Hill - -	Brecon - -	19th April 1855.
Berrow - - -	Worcester - -	10th May 1855.
Nazeing - - -	Essex - -	14th December 1854.
Sheet - - -	Southampton - -	19th April 1855.
Petersfield Heath - -	Southampton - -	19th April 1855.
Bryn Postig Hill - -	Montgomery - -	27th July 1854.
Caversham - -	Oxford - -	3d May 1855.
Lee Common - -	Bucks - -	17th May 1855.
Frilsham - - -	Berks - - -	31st May 1855.
Bottenden Hill - -	Bucks - -	25th May 1854.
Conisbrough Open Fields -	York - - -	17th May 1855.
Streatley - - -	Bedford - -	10th May 1855.
Maulds Meaburn - -	Westmorland - -	7th December 1854.
Kirkandrews Common -	Cumberland - -	19th June 1855.
The Henallt Common -	Brecon - - -	23d June 1855.
Llanganten - -	Brecon - -	19th June 1855.
Pithington Marsh - -	Sussex - -	21st June 1855.
Roydon - - -	Essex - -	19th June 1855.

Commons Inclosure (No. 2.)

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by Mr. Cowper and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 4 *July* 1855.

[Bill 224.]

Under 1 *oz.*

27 *March* 1855. 18 VICT.

A

BILL

TO

Carry into effect a Convention between Her Majesty and the King of Sardinia.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS a Military Convention having been concluded on the Twenty-sixth Day of January One thousand eight hundred and fifty-five, between Her Majesty and the Emperor of the French and the King of Sardinia, whereby the King of Sardinia agreed to furnish and keep up by the necessary Reinforcements an Army of Fifteen thousand Men for the present War, a Convention supplementary to the said Military Convention was on the said Twenty-sixth Day of January One thousand eight hundred and fifty-five concluded between Her Majesty and the King of Sardinia, whereby it was agreed as follows: Preamble.

ARTICLE I.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland undertakes to recommend to Her Parliament to enable Her to advance by way of Loan to His Majesty the King of Sardinia the Sum of One million Pounds Sterling, of which Sum Five hundred thousand Pounds Sterling shall be paid by Her Majesty as soon as possible after the Assent of Her Parliament shall have been given, and the remaining Five

 hundred

hundred thousand Pounds at the Expiration of Six Months after Payment of the First Sum; and Her Britannic Majesty engages further to recommend to Her Parliament to enable Her, if the War should not have been brought to a Close at the Expiration of Twelve Months after Payment of the First Instalment of the above-mentioned Loan, to advance to His Majesty the King of Sardinia in the same Proportions a like Sum of One million Pounds Sterling.

Article II. The Interest to be paid upon the said Loan or Loans by the Sardinian Government shall be at the Rate of Four per Cent. per Annum, of which One per Cent. per Annum shall be for a Sinking Fund:

The said Interest shall be calculated from the Days on which the Payments on account of the Loan or Loans shall be made, and shall be payable half-yearly, the First Payment to be made within Fifteen Days after the Expiration of Six Months from the Payment of the First Instalment of the Loan, and so on successively.

Article III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland will undertake gratuitously the Transport of the Sardinian Troops.

And whereas the said Supplementary Convention has been ratified between Her Majesty and the King of Sardinia: And whereas, in pursuance of Her Majesty's gracious Recommendation in this Behalf, it is expedient that Her Majesty should be enabled to carry into effect the said Supplementary Convention with the King of Sardinia: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of the Treasury to cause Sums required for the Loan or Loans to Sardinia to be issued out of the Consolidated Fund.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to direct and cause to be issued to Her Majesty's Paymaster-General from Time to Time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, such Sums of Money as shall be required for the Advance to His Majesty the King of Sardinia of the said Loan of *One million Pounds* Sterling, and (if the War shall not have been brought to a Close as in the said Supplementary Convention mentioned) of the said further Loan of *One million Pounds* Sterling, by the several Instalments and at the Times provided by the said Supplementary Convention, conformably to Her Majesty's Engagements in this Behalf.

II. The

Payments in respect of Interest and Sinking Fund on the Loan or Loans to be carried to the Consolidated Fund

II. The Commissioners of Her Majesty's Treasury shall cause such Sums as shall be from Time to Time paid by the Sardinian Government as Interest and Sinking Fund in respect of the said Loan or Loans to be carried to and form Part of the said Consolidated Fund.

Annual Account to be laid before Parliament.

III. The said Commissioners of the Treasury shall cause to be prepared, and shall lay before both Houses of Parliament within *Twenty* Days after the First Meeting of Parliament in every Year, an Account, up to the *Thirty-first Day of December* then next preceding, of the total Sums which shall from Time to Time have been issued by virtue of this Act in respect of the said Loan or Loans, and also of the Sums from Time to Time received from the Sardinian Government for Interest and Sinking Fund in respect thereof, and such Account shall specify how much of such Loan or Loans has been discharged, and how much remains to be discharged.

Convention with Sardinia.

A

BILL

To carry into effect a Convention between Her Majesty and the King of Sardinia.

(Prepared and brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Viscount Palmerston).

Ordered, by The House of Commons, *to be Printed,* 27 *March* 1855.

[Bill 68.]

Under 1 *oz.*

17 *July* 1855. 18 & 19 Vict.

A

BILL

TO

Give Effect to a Convention between Her Majesty and the United States of America.

WHEREAS a Convention was concluded between Her Majesty and the United States of America, and signed at London on the Eighth of February One thousand eight hundred and fifty-three, of which the Ratifications were exchanged at London on the Twenty-sixth of July One thousand eight hundred and fifty-three: And by the said Convention it was agreed that all Claims on the Part of Corporations, Companies, or private Individuals, Subjects of Her Majesty, upon the Government of the United States, and all Claims on the Part of Corporations, Companies, or private Individuals, Citizens of the United States, upon the Government of Her Majesty, which might have been presented to either Government for its Interposition with the other since the Signature of the Treaty of Peace and Friendship concluded between Great Britain and the United States of America at Ghent, on the Twenty-fourth of December One thousand eight hundred and fourteen, and which yet remained unsettled, as well as any other such Claims which might be presented within the Time specified therein-after, should be referred to Two Commissioners, to be appointed in the following Manner, Preamble.

Manner, that is to say, One Commissioner should be named by Her Majesty, and One by the President of the United States; and it was thereby provided, that the Commissioners should, before proceeding to any other Business, name some Third Person to act as an Arbitrator or Umpire in any Case or Cases on which they might themselves differ in opinion: And by the said Convention Her Majesty and the President of the United States of America solemnly and sincerely engaged to consider the Decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the Case might be, as absolutely final and conclusive upon each Claim decided upon by them or him respectively, and to give full Effect to such Decisions without any Objection, Evasion, or Delay whatsoever: And it was thereby stipulated, that every Claim should be presented to the Commissioners within Six Months from the Day of their First Meeting, unless in any Case where Reasons for Delay should be established to the Satisfaction of the Commissioners, or of the Arbitrator or Umpire in the event of the Commissioners differing in opinion thereupon; and then and in any such Case the Period for presenting the Claim might be extended to any Time not exceeding Three Months longer: And that the Commissioners should be bound to examine and decide upon every Claim within One Year from the Day of their First Meeting; and that all Sums of Money which might be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any Claim, should be paid by the one Government to the other, as the Case might be, within Twelve Months after the Date of the Decision, without Interest, and without any Deductions save as specified therein-after (as to Expenses): And the High Contracting Parties engaged to consider the Result of the Proceedings of the Commission as a full, perfect, and final Settlement of every Claim upon either Government, arising out of any Transaction of a Date prior to the Exchange of the Ratifications of that Convention; and further engaged that every such Claim, whether or not the same might have been presented to the Notice of, made, preferred, or laid before the said Commission, should, from and after the Conclusion of the Proceedings of the said Commission, be considered and treated as finally settled, barred, and thenceforth inadmissible: And it was thereby provided that the whole Expenses of the Commission, including contingent Expenses, should be defrayed by a rateable Deduction on the Amount of the Sums awarded by the Commission; provided always, that such Deduction should not exceed the Rate of Five per Cent. on the Sums so awarded; the Deficiency, if any, should be defrayed in Moieties by the Two Governments: And whereas, by another Convention between Her Majesty and the said President, signed at Washington on the Seventeenth of July One thousand eight hundred and fifty-four, it was agreed that the Time limited by the first-mentioned Convention for the

the Termination of the Commission should be extended for a Period not exceeding Four Months from the Fifteenth of September then next, should such Extension be deemed necessary by the Commissioners, or the Umpire: And whereas Commissioners were named by the High Contracting Parties in pursuance of the said first-mentioned Convention, and such Commissioners appointed a Third Person to act as an Arbitrator or Umpire, as provided by such Convention, and the Claims presented to the said Commissioners were, within the extended Period authorized in this Behalf as aforesaid, examined and decided upon by the Commissioners, or, in the Cases in which the Commissioners differed, by the said Arbitrator or Umpire: And whereas by such Decisions several Sums, amounting in the whole to Two hundred and seventy-seven thousand one hundred and two Dollars and Eighty-eight Cents, or, at the relative Value of Exchange as established by the Commissioners, Fifty-seven thousand two hundred and fifty-two Pounds Thirteen Shillings and Fourpence Sterling, were awarded to Subjects of Her Majesty in respect of their Claims upon the Government of the United States; and several Sums, amounting in the whole to Three hundred and twenty-nine thousand seven hundred and thirty-four Dollars and Eighteen Cents, or, at the relative Value of Exchange established as aforesaid, Sixty-eight thousand one hundred and thirty-one Pounds and Sevenpence Halfpenny Sterling, were awarded to Citizens of the United States in respect of their Claims upon Her Majesty's Government: And whereas by an Act of the Congress of the United States, approved by the President on the Third of March One thousand eight hundred and fifty-five, the said Sum of Two hundred and seventy-seven thousand one hundred and two Dollars and Eighty-eight Cents is to be paid to the duly authorized Agent of Her Majesty's Government, deducting therefrom, pursuant to the said Convention, on account of the Expenses of the said Commission, such rateable Proportion, not exceeding Five per Cent. of the whole Amount awarded to both Citizens of the United States and British Subjects, as might be sufficient to pay the said Expenses: And whereas it is expedient that the Commissioners of the Treasury should be enabled to cause the Sum payable under the said Act of Congress to be distributed among the British Subjects entitled under the Awards of the said Commissioners and Umpire: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Commissioners of Her Majesty's Treasury shall cause the said Sum of Two hundred and seventy-seven thousand one hundred and two Dollars and Eighty-eight Cents, after such Deduction there- from

The Sums payable by the Government of the United

States to be divided among the British Subjects whose Claims have been allowed, and to be a final Settlement of the Claims.

from on account of Expenses of the said Commission as in the said first-recited Convention provided, to be paid and distributed to and among the several Parties to whom the several Sums constituting the said aggregate Sum of Two hundred and seventy-seven thousand one hundred and two Dollars and Eighty-eight Cents were awarded under the said Commission, in proportion to the several Sums so awarded to them respectively, or to their respective Executors, Administrators, or Assigns; and such Payments shall be deemed to be a full Satisfaction of the Claims of the said several Parties; and all Claims upon the Government of the United States intended to be provided for by the said Convention shall be considered as finally settled and barred.

Convention with United States.

A

B I L L

To give Effect to a Convention between Her Majesty and the United States of America.

(Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,* 17 *July* 1855.

[Bill 255.] *Under* 1 *oz.*

A

B I L L

TO

Continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

WHEREAS under an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-three), "to consolidate and continue the Copyhold "and Inclosure Commissions, and to provide for the Completion of "Proceedings under the Tithe Commutation Acts," certain Powers of appointing Commissioners and other Officers as therein mentioned were limited to continue for Two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament, and no Commissioner or other Officer or Person appointed or continued under that Act was to hold his Office for a longer Period than Two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and twenty-four, the said Powers of appointing Commissioners and other Officers were continued, and the Period limited for the holding of Office under the said first-mentioned Act was extended

Preamble.

14 & 15 Vict. c. 53.

16 & 17 Vict. c. 124.

 until

until the First Day of August One thousand eight hundred and fifty-four, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the Powers of the said first-mentioned Act should be continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the *First Day of August One thousand eight hundred and fifty-six*, and thenceforth until the End of the then next Session of Parliament, and the Period limited for the holding of Office under the said Act shall in like Manner be extended until the said *First Day of August One thousand eight hundred and fifty-six*, and thenceforth until the End of the then next Session of Parliament.

Powers of Appointment of Commissioners &c. under 14 & 15 Vict. c. 53. continued.

Copyhold, &c. Commission Continuance.

A

BILL

To continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

(*Prepared and brought in by Mr. Cowper and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 27 *June* 1855.

[Bill 202.]

Under 1 *oz.*

19 *June* 1855. 18 VICT.

A

BILL

INTITULED

An Act for further assimilating the Practice in the County Palatine of Lancaster to that of other Counties with respect to the Trial of Issues from the Superior Courts at Westminster.

WHEREAS by the Common Law Procedure Act, 1852, Section One hundred and three, it was enacted, that Records of the Superior Courts at Common Law should be brought to Trial and entered and disposed of in the Counties Palatine in the same Manner as in other Counties: And whereas it was provided by the Fifth Section of the Twenty-fourth Chapter of an Act passed in the Twenty-seventh Year of the Reign of King Henry the Eighth, that Justices of Assize to be made and assigned within the County Palatine of Lancaster should be made and ordained by Commission under the King's usual Seal of Lancaster, and in pursuance of the said Proviso One Chief Justice and One other Justice, being respectively Judges of the Superior Courts at Westminster, have been from Time to Time constituted and ordained, by Grants contained in separate Letters Patent under the Seal of the County Palatine of Lancaster: And whereas it is expedient to make further Preamble.

further Provision for assimilating the Practice of the said County Palatine of Lancaster to that of other Counties, with respect to the Trial of Issues from the Superior Courts of Common Law at Westminster: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: It shall be lawful for Her Majesty, Her Heirs and Successors, hereafter to issue Commissions of Assize under the Seal of the County Palatine of Lancaster directed to the Judges appointed for the Time being to the respective Offices of Chief Justice and Justice of Common Pleas within the said County Palatine of Lancaster, and to such of Her Majesty's Counsel learned in the Law, Serjeants and Barristers-at-Law, having Patents of Precedence, or Precedence within the Bar, of the County Palatine of Lancaster, and other Serjeants-at-Law to be from Time to Time selected for that Purpose, authorizing and commanding them to take all the Assizes, Juries, and Certificates, before whatever Justices arraigned, in the said County of Lancaster, in like Manner and with the like Effect as such Commissions are issued into other Counties, together with the like Writs or Commissions of Association, and other Writs and Proceedings, as in other Counties, and that every Person so authorized shall have the like Power to be and act as a Judge or Commissioner of Assize for the Trial of Issues from the Superior Courts of Law at Westminster and other Issues in the said County Palatine of Lancaster as any Person so authorized has in any other County, and shall also be deemed to be authorized by such Commission, and shall thereby have full Authority to act as a Judge for the Trial of any Issues of Fact in any Causes depending in the said Court of Common Pleas at Lancaster: Provided, and it is declared, that nothing herein contained shall deprive the Chief Justice or Justice appointed or so ordained as aforesaid by Grant contained in Letters Patent of any Authority or Jurisdiction to try Issues from the Superior Courts at Westminster and other Issues in the said County Palatine of Lancaster, and that all Trials of such Issues heretofore had or to be had before such Chief Justice or Justice constituted or ordained as aforesaid shall be deemed to have been and to be tried by competent Authority, and that the acting Prothonotary for the Time being of the Court of Common Pleas at Lancaster shall continue to officiate as Associate in the said County Palatine of Lancaster, as heretofore, and shall accordingly be named in such Commissions of Association and other Writs and Proceedings.

Her Majesty may issue Commissions to Chief Justice, &c. of Common Pleas in the County Palatine of Lancaster, &c. authorizing them to take all the Assizes, Juries, &c. in the said County in like Manner as in other Counties.

County Palatine of Lancaster Trials.

A

B I L L

INTITULED

An Act for further assimilating the Practice in the County Palatine of Lancaster to that of other Counties with respect to the Trial of Issues from the Superior Courts at Westminster.

(*Brought from the Lords* 18 *June* 1855.)

Ordered, by The House of Commons, *to be Printed*, 19 *June* 1855.

[Bill 179.]

Under 1 *oz.*

Court of Chancery (Ireland) Bill.

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(Ireland.)

A

BILL

TO

Alter the Constitution, Procedure, and Practice, increase the Powers of and diminish the Expense of Proceedings in the Court of Chancery in Ireland, and to discontinue the Incumbered Estates Court.

WHEREAS Her Majesty, by a Commission under the Great Seal of the United Kingdom, was pleased to appoint certain Persons therein named Commissioners to inquire into the State of Business of the Incumbered Estates Court in Ireland, and to consider and report whether it would be desirable that the said Court should be continued, either permanently or for a limited Period, or whether it should be annexed to, or its Powers transferred to, the Court of Chancery in Ireland: And whereas the said Commissioners have since made their Report to Her Majesty, and have recommended that the Incumbered Estates Court should be discontinued, and all its Powers vested in and its Business transferred to the said Court of Chancery, and that the Power of conferring a Parliamentary Title upon a Transfer of Land under judicial Sales should be given to the said Court of Chancery, and that certain Alterations should be made in the Constitution, Procedure, and Practice of the said Court of Chancery, Preamble.

Chancery, and that the Stamps and Fees payable upon Proceedings therein should be abolished or diminished: And whereas it is expedient that these and certain other Recommendations of the said Commissioners, with certain Modifications thereof, should be carried into effect as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as the "Court of "Chancery (Ireland) Regulation Act, 1855."

Interpretation.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"Lord Lieutenant" shall include the Chief Governor or Chief Governors of Ireland for the Time being:

"Chancery" and "Court" shall mean the Court of Chancery in Ireland:

"Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of Ireland:

"Owner," as applied to any Estate, shall include any Person entitled absolutely to such Estate, or to the Equity of Redemption in any Estate, or to the Estate subject to any Incumbrance, or to a Trust for the Payment of any Incumbrance, and any Feoffees or Trustees for Charitable or other Purposes:

And the Word "Owner," as applied to any Lease, shall include any Person entitled in possession to the Land comprised in such Lease for the whole Estate created or agreed to be created by such Lease; and any Person entitled in possession for such whole Estate to the Equity of Redemption in such Lease, or to such Lease subject to any Incumbrance, or a Trust for the Payment of any Incumbrance:

And the Word "Person" and the Word "Owner" shall extend to a Body Politic or Corporate as well as to an Individual:

"Possession" shall include Receipt of the Rents and Profits:

"Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, Rents Service, Rents Charge, and Hereditaments of any Tenure, whether subject to any Feefarm or other perpetual Rent, with or without Condition of Re-entry for securing the same or otherwise, and whether corporeal or incorporeal, or any undivided Share thereof:

"Estate"

"Estate" shall mean an Estate in Land other than a Lease, and shall extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal:

"Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement, and any derivative Estate in a Lease:

"Lease in Perpetuity" shall mean any Lease to which the Provisions of "The Renewable Leasehold Conversion Act" shall apply:

"Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity duly registered, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charge which, by the Instrument creating the same or by any other Instrument, is made repurchaseable on Payment of a gross Sum of Money, and also any Arrears remaining unpaid of any annual or periodical Charge for Payment of which Arrear a Sale of any Land charged therewith might be decreed:

"Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof:

"Settlement" shall signify any Act of Parliament, Deed, Agreement, Copy of Court Roll, Will, or other Instrument, or any Number of such Instruments, under or by virtue of which any Hereditaments of any Tenure stand limited to or in trust for any Persons, by way of Succession, including any such Instruments affecting the Estates of any One or more of such Persons exclusively; and the Term "Settled Estates" as used in this Act shall signify all Hereditaments of any Tenure which are the Subject of a Settlement:

"General Orders" shall mean General Rules and Orders of the Court, to be made by the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls and Vice-Chancellors, as by this Act directed:

"Conveyance" shall include Assignment:

"Convey" shall include Assign:

"Suit" shall include Cause, Matter, and other Proceeding:

"Plaintiff" shall include Petitioner:

"Defendant" shall include Respondent:

"Tenant for Life" shall include Tenant in Tail, after Possibility of Issue extinct.

Commencement of Act.

III. This Act shall commence and take effect from and after the *Day of* *One thousand eight and fifty* ; provided that it shall be lawful to make and issue any such General Rules and Orders as by this Act provided at any Time after the passing of this Act, so as the same be not made to take effect before the Time appointed for the Commencement of this Act.

Power to make General Orders. 15 & 16 Vict. c. 86. ss. 63, 64.

IV. The Chancellor, with the Advice and Assistance of the Master of the Rolls and the Vice-Chancellors, or of any Two of them, shall from Time to Time make General Rules and Orders for carrying the several Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, the Division and Distribution of Business, and generally the Procedure and Practice of the said Court in respect of the several Matters to which this Act refers; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court.

General Orders to be laid before Parliament.

V. All such General Rules and Orders shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within *Five* Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within *Thirty-six* Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall, from and after such Resolution, cease to be binding.

Division of Act.

VI. This Act shall consist of Nine Parts:

Part I. shall relate to the Appointment of Vice-Chancellors:

Part II. to the Abolition of the Office of Master in Ordinary of the Court of Chancery:

Part III. to the Court of Appeal in Chancery:

Part IV. to Procedure and Practice:

Part V. to Sales, Partitions, and Exchanges of Real Estate:

Part VI. to Sales of Settled Estates:

Part VII. to the Discontinuance of the Incumbered Estates Court:

Part VIII. to Stamps and Fees:

Part IX. to miscellaneous Matters.

PART

PART I.

Appointment of Vice-Chancellors, &c.

Appointment of Vice-Chancellors. 5 Vict. c. 5. s. 19.

VII. It shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of Ireland, Two fit Persons being or having been respectively Barristers-at-Law of Fifteen Years standing at the least, to be Judges Assistant to the Lord Chancellor in the Discharge of the judicial Functions of his Office, each of such additional Judges to be called Vice-Chancellors; provided that no Vice-Chancellor appointed under this Act shall during his Tenure of Office be capable of sitting in the Commons House of Parliament.

5 Vict. c. 5. s. 20.

VIII. From Time to Time, when and as any Vacancy shall occur in the Office of any Vice Chancellor who shall be appointed under this Act by the Death, Resignation, or Removal from Office of such Vice-Chancellor, or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to supply such Vacancy.

In case of Absence of Vice-Chancellor, Power to appoint Deputy.

IX. The Office of Vice-Chancellor shall be exercised in Person and not by Deputy; provided that if any Vice-Chancellor require to be absent from the Discharge of his Duties as such Vice-Chancellor, then and in every such Case the Lord Chancellor may, with the Consent of the Lord Lieutenant, appoint the Master of the Rolls, or One of the other Vice-Chancellors, or the Judge of the Appeal Court in Chancery, or One of the Judges of the Superior Courts, if they shall respectively consent thereto, or some other fit and proper Person, to act as his Deputy for a Period not exceeding *Three* Calendar Months; provided that no Person shall be appointed to act as Deputy Vice-Chancellor of the Court, unless duly qualified to act as such under this Act: Every Person so appointed to perform the Duty of the Vice-Chancellor shall, during the Continuance of such Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Vice-Chancellor; and every such Person, not being the Master of the Rolls or the other Vice-Chancellor who shall be so appointed to act during the Absence of such Vice-Chancellor, shall receive such Proportion of the Salary of such Vice-Chancellor for and during the Period of his Services as shall be allowed by the Lord Chancellor with the Sanction of the Lord Lieutenant.

Jurisdiction and Powers of Vice Chancellor. 5 Vict. c. 5. s. 22.

X. Each such Vice-Chancellor shall have Power to hear and determine all Suits, Causes, Matters, and Things which are or shall be at any Time depending in the Court of Chancery in Ireland, either as a Court

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Appointment of Vice-Chancellors, &c.

a Court of Law or as a Court of Equity, or incident to any ministerial Office of the said Court, or which shall have been or shall be submitted to the Jurisdiction of the said Court, or of the Lord Chancellor, by the special Authority of any Act of Parliament, as the Court shall from Time to Time by any General Orders to be made as by this Act provided direct; and all Decrees, Orders, and Acts of such Vice-Chancellor so made or done shall be deemed and taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incidental Jurisdiction, or under such special Authority as aforesaid, and shall have Force and Validity, and be executed accordingly, subject, nevertheless, in every Case to be reversed, discharged, or altered as by this Act provided; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor: Provided always, that no such Vice-Chancellor shall have the Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice-Chancellor not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls.

To sit for Lord Chancellor when required. 5 Vict. c. 5. s. 23.

XI. Each or either of the Vice-Chancellors shall sit for the Lord Chancellor whenever he shall require him so to do.

Rank and Precedence. 5 Vict. c. 5. s. 25.

XII. The Vice-Chancellors shall respectively have Rank and Precedence next to the Lord Chief Baron of Her Majesty's Court of Exchequer in Ireland, in case no Judge of Appeal shall have been appointed under this Act, and in case any such Judge of Appeal shall have been appointed, shall have Rank and Precedence next to such Judge of Appeal; and such Vice-Chancellors, as between themselves, shall have Rank and Precedence according to the Dates of their respective Appointments.

5 Vict. c. 5. s. 26.

XIII. It shall be lawful for Her Majesty, in and by such Letters Patent as aforesaid, or in and by any other Letters Patent under the Great Seal of the United Kingdom, to direct that the Secretary, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend such Vice-Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court, as Circumstances shall require and as the Lord Chancellor shall order and direct.

To hold Office during good Behaviour. 5 Vict. c. 5. s. 27.

XIV. Every Vice-Chancellor shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice-Chancellor from his Office upon an Address of both Houses of Parliament.

XV. Every

XV. Every Vice-Chancellor shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

Oath of Vice-Chancellor. 5 Vict. c. 5. s. 28.

'I , do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Vice-Chancellor.

'So help me GOD.'

Appointment of Chief Clerks. 15 & 16 Vict. c. 80. s. 16.

XVI. It shall be lawful for the Master of the Rolls, and every of the Vice-Chancellors for the Time being respectively, with the Approbation of the Lord Chancellor, to appoint Two Chief Clerks, each to be respectively attached to each such Judge and his Successors in Office, for the Purpose of assisting in the General Business of each Court and the Suits belonging thereto, and on any Vacancy in such Office of Chief Clerk to supply such Vacancy.

Qualification of Chief Clerks. 15 & 16 Vict. c. 80. s. 17.

XVII. No Person shall be appointed Chief Clerk to the Master of the Rolls or any Vice-Chancellor unless he shall be a Barrister, and shall have practised as such in Ireland for the Period of Six Years at least, or shall have been admitted on the Roll of Solicitors or Attornies in One of the Superior Courts at Dublin, and practised as such Solicitor or Attorney for the Period of Ten Years at least immediately preceding his Appointment, or have held the Office of Masters Examiner in the Court of Chancery in Ireland, or of Secretary, Registrar, or Examiner in the Court of the Commissioners for the Sale and Transfer of Incumbered Estates in Ireland.

Appointment of Junior Clerks. 15 & 16 Vict. c. 80. s. 18.

XVIII. It shall be lawful for the Judge of each Court to appoint a Junior Clerk to each Chief Clerk of his Court, and on any Vacancy in such Office to supply such Vacancy.

Not to take Fees or Profits, save Salary. 15 & 16 Vict. c. 80. s. 19.

XIX. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit, other than his Salary and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court or of the Lord Chancellor, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of the Judge in relation to or arising out of any Proceeding in his Office or in any Office of or connected with the Court of Chancery; or if such Person, being or having been a Solicitor or Attorney, shall, directly or indirectly, receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to

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Appointment of Vice Chancellors, &c.

to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Solicitor accepting Office to cease to be Solicitor. 15 & 16 Vict. c. 80. s. 20.

XX. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin, on which his Name may be.

Tenure of Office of Chief or Junior Clerk. 15 & 16 Vict. c. 80. s. 21.

XXI. Every such Chief and Junior Clerk shall hold his Office during his good Behaviour, and so long as he shall personally attend to and conduct himself honestly and faithfully in the Execution of the Duties of his Office, but subject to the Power herein-after contained to remove any Chief or Junior Clerk for any Cause which the Lord Chancellor and Judges removing may think sufficient.

Chief and Junior Clerks to be under Control of Judge. 15 & 16 Vict. c. 80. s. 23.

XXII. Such Chief Clerks and Junior Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

To be removeable by Judge for Cause; 15 & 16 Vict. c. 80. s. 24.

XXIII. It shall be lawful for the Judge to whose Court any Chief Clerk or Junior Clerk to be appointed under this Act shall be attached by any Order to remove any such Chief Clerk or Junior Clerk from his Office for some sufficient Cause to be in such Order expressed.

or by Order of Chancellor and Master of Rolls or Vice-Chancellor. 15 & 16 Vict. c. 80. s. 25.

XXIV. It shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice-Chancellors for the Time being, or any Two of them, by an Order to remove any such Chief Clerk or Junior Clerk without stating any Cause for such Removal.

Salaries of Chief and Junior Clerks. 15 & 16 Vict. c. 80. s. 44.

XXV. There shall be paid to every such Chief Clerk the net yearly Salary of Pounds, and to every such Junior Clerk the net yearly Salary of Pounds; and it shall be lawful for the Lord Chancellor from Time to Time, by any Order to direct that the Salary of any such Chief Clerk may be increased from Time to Time until the same shall amount to the net yearly Sum of Pounds, and to direct that the Salary of such Junior Clerk may be increased from Time to Time until the same shall amount to the net yearly Sum of Pounds; provided that no such Increase shall

shall be made to any such Chief or Junior Clerk until he shall have been in Office for *Three* Years, nor in either Case without a Certificate from the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached that he has conducted himself in such Office to the entire Satisfaction of such Judge; provided also, that the Salary to such Chief Clerk shall not be increased at any Period by any greater Amount than the Sum of *One hundred Pounds.*

Salary of Vice-Chancellor.

XXVI. There shall be paid the net yearly Salary of Pounds to every such Vice-Chancellor, which Salary, and the Salaries herein-before directed to be paid to each Chief Clerk and Junior Clerk, *shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland*, and shall be free from all Deductions, Abatements, and Taxes, except the Income Tax, and shall be paid quarterly on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions; and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice-Chancellor, Chief Clerk, or Junior Clerk respectively, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Vice-Chancellor, Chief Clerk, or Junior Clerk respectively, such Vice-Chancellor, Chief Clerk, and Junior Clerk respectively, or their respective Executors or Administrators, shall be paid such proportionate Part of their respective Salaries as shall have accrued from the Times of the Commencement of such Salaries respectively, or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension to Vice-Chancellor.

XXVII. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Vice-Chancellor in pursuance of this Act an Annuity not exceeding Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice-Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted, and such Annuity shall be *issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland*, and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions; and the First quarterly Payment, or a proportionate Part thereof,

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thereof, to be computed from the Time of the Resignation of the said Officer, shall be made on each of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Pounds; provided also, that no Annuity granted to any Person having executed the Office of Vice-Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Chief and Junior Clerks to be Officers of Court of Chancery.

XXVIII. Every such Chief Clerk and Junior Clerk shall be deemed to be an Officer of the Court of Chancery in Ireland, and shall be entitled to the like Retiring Allowances and upon the same Conditions as are in the "Court of Chancery (Ireland) Regulation Act, 1850," provided in respect of the Officers of the said Court of Chancery; and all of the Provisions of the said Act relating to such Retiring Allowances, and the Abatements to be made from the Salaries and official Incomes in said Act mentioned, shall extend to and include the said Clerks and their respective Salaries, and the said Retiring Allowances shall be paid out of the same Funds as are in said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

XXIX. It it shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removable at pleasure, for the Purpose of keeping Order in the Court of each of the Vice-Chancellors to be appointed under this Act, and the Salary of the Person or Persons so to be appointed to keep Order shall be of such Amount, not exceeding the yearly Sum of *Eighty Pounds*, as the Lord Chancellor may think reasonable, and such Salary shall be paid to each Person so to be appointed out of the same Funds and at the same Time and in like Manner as the Salaries of like Persons have heretofore been paid.

PART

PART II.

Masters Abolition.

Office of Master abolished. 15 & 16 Vict. c. 80. s. 1. Except, &c.

XXX. The Office of Master in Ordinary of the said Court of Chancery, except the Office of One of the Masters in Ordinary of the said Court which shall be maintained for the Performance of certain special Duties as herein provided, shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court as such of the Duties hereinafter provided for; and until they are released under this Act they shall for the Performance of such Duties continue to have all the Powers conferred upon them by any Act of Parliament or otherwise vested in them.

15 & 16 Vict. c. 80. s. 2.

XXXI. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court shall be filled up, except that of the Master whose Office is to be maintained, as herein-after provided.

15 & 16 Vict. c. 80. s. 3.

XXXII. So often hereafter as in the Judgment of the Lord Chancellor from the State of Business in the said Court any Master or Masters can be spared other than the said Master whose Office is to be maintained, it shall be lawful for the Lord Chancellor to release any such Master or Masters from his or their Duties as such, at such Time or Times as to him shall seem meet.

15 & 16 Vict. c. 80. s. 4.

XXXIII. Every Master to be released by the Lord Chancellor shall have the Option to retire tendered to him according to his Seniority in Office; and if any such Master shall, for *One Calendar Month* after such Option tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor may tender the like Option to the next in succession in Seniority of Office, and so *toties quoties;* but when the Lord Chancellor shall be of opinion that the Services of none of the Masters are any longer necessary for the due Execution of the Business of the said Court, it shall be lawful for him to release every remaining Master except the said Master whose Office is to be maintained: Provided always, that in determining the Seniority of the said Masters, the Periods during which Acheson Lyle, Esquire, One of the said Masters, held the Office of Chief or Second Remembrancer of the Court of Exchequer in Ireland shall be taken into account, as if the said Acheson Lyle had during the said Periods been One of the Masters in Ordinary of the said Court of Chancery.

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15 & 16 Vict. c. 80. s. 5.

XXXIV. Each One of the Masters to be released shall nevertheless continue entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Master: Provided always, that nothing herein contained shall extend to affect or prejudice the Right of William Henn, Esquire, One of such Masters, to receive certain annual Sums heretofore payable to him for Compensation as One of the Masters of the said Court.

15 & 16 Vict. c. 80. s. 6.

XXXV. The Salaries or Retiring Pensions payable to the Masters so to be released, and in the Case of the said William Henn the said Compensation, shall continue or be made payable out of the same Funds on the Days and in the Manner in all respects as their present Salaries and the said Compensation respectively.

No further References to be made to Masters, but Masters to finish Business at present pending.

15 & 16 Vict. c. 80. s. 10.

XXXVI. From and after the *First Day of* *One thousand eight hundred and* no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Cases in which, from some previous Reference made in the Suit, or in some other Suit connected therewith, the Court may think it expedient to make such Reference, and except, in the Case of the said Master whose Office is to be maintained, such References as are herein-after directed: Provided always, that the said Master whose Office is to be maintained, and the other Masters in Ordinary of the said Court, until they shall have been removed by Resignation, Death, or otherwise, or have been released from their Duties under this Act, shall prosecute all the Business which on the First Day of *One thousand eight hundred and* shall be pending before the Masters; and also all the References which, before the said First Day of *One thousand eight hundred and* shall have been made under Decrees or Orders of the Court, or which, on or after the same First Day of , shall be made in relation to such excepted Matters as aforesaid, and the same, if necessary, shall from Time to Time be distributed amongst or prosecuted by such remaining Masters and the said Master whose Office is to be maintained and his Successors in Office, in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

Retiring Allowance to Masters Examiners and Clerks, &c.

XXXVII. It shall be lawful for every Person who, on the First Day of *One thousand eight hundred and* , held the Office of Clerk and Examiner to any of the Masters in Ordinary of the said Court of Chancery other than the Master whose

whose Office shall be maintained under this Act, or of Assistant Clerk to such Clerk and Examiner, and who shall not be appointed to any Office under this Act, the Salary of which shall equal or exceed the Salary to which such Person was entitled as such Clerk and Examiner or Assistant Clerk, upon the Master to whom he shall be such Clerk and Examiner being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury for the Time being, at any Time after the Master in whose Office he shall have been employed shall have died, resigned, been removed or released; and such Commissioners are hereby required, within the Space of *Six* Calendar Months after every such Claim shall be made, by Examination upon Oath or otherwise, which Oath they and every of them are and is hereby authorized to administer, to inquire what Compensation ought to be made to such Person claiming such Compensation; and in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the said Commissioners, by Warrant under their Hands, to order and direct that such annual Compensation shall be made to the Persons claiming such Compensation as aforesaid, or any of them, as to the said Commissioners, in their Discretion, shall seem just and reasonable, and all such Compensations shall be paid and payable out of such Funds and such Manner as herein-after in that Behalf directed: Provided always, that an Account of all such Compensation shall, within Fourteen Days next after the same shall be so granted, be laid on the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within *Fourteen* Days after the Meeting of the Parliament then next following.

XXXVIII. Except as herein otherwise provided, all Salaries and Compensation under this Part of this Act shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November, in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Books of the Bank of Ireland in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

PART II.

Masters Abolition.

15 & 16 Vict. c. 80. s. 50.

XXXIX. If at any Time hereafter any of the Masters in Ordinary of the said Court, or any of their Clerks and Examiners or Assistant Clerks, shall be appointed to and shall accept any Office or Employment under this Act, or connected with any Court of Law or Equity, or under the Crown, or in any public Department under the Crown, and if the Salary attached to such Office or Employment, or any Retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the Retiring Pension or Compensation payable to such Master, or Clerk and Examiner, or Assistant Clerk, under this Act, such last-mentioned Retiring Pension or Compensation shall, during the Continuance of such Master, or such Clerk and Examiner or Assistant Clerk, in such Office or Employment, or so long as he shall be in the Receipt of any Retiring Pension or Allowance in respect thereof equal to or greater than his Retiring Pension or Compensation under this Act, cease to be payable to such Master, or such Clerk and Examiner or Assistant Clerk, as the Case may be; and if the Salary attached to such Office, or the Retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's Retiring Pension, or such Clerk and Examiner's or Assistant Clerk's Compensation under this Act, such Retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary, or of such Retiring Pension or Allowance, as the Case may be.

XL. Such of the Master's Offices as shall not be assigned by the Lord Chancellor as Chambers for the Masters of the Rolls and Vice-Chancellor respectively shall be appropriated to such other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct.

15 & 16 Vict. c. 80. s. 58.

XLI. Nothing herein contained shall prejudice or affect the Title of the present Masters in Ordinary of the said Court to the Salaries payable to them as such Masters, unless and until they shall be respectively released under this Act or the Power of the Lord Chancellor to order a Retiring Allowance to any of them, or any of their Clerks who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same; and every of the present Masters in Ordinary of the said Court, until released under this Act, shall have the same Establishment of Clerks, whose Salaries and Compensation shall be payable out of the same Funds as the Salaries and Compensations of their Clerks are now payable, and all the Expenses attending the Establishment of the Master's Offices shall be paid in like Manner as such Expenses are now paid.

Office of Receiver Master preserved.

XLII. It shall be lawful for the Lord Chancellor from Time to Time to nominate and appoint One of the Masters in Ordinary of the

the said Court, to be called the Receiver Master, to discharge the special Duties herein-after provided, and from Time to Time, upon a Vacancy occurring in the Office of such Receiver Master, by Resignation, Death, or otherwise, or by the said Master being released under this Act, to nominate and appoint some One of the remaining Masters such Receiver Master, and when the Number of Masters shall have been reduced to One, then such One remaining Master shall be the Receiver Master under this Act, and the Office of such remaining Master so becoming Receiver Master under this Act shall be maintained for the Discharge of the Duties herein-after specified, and nothing in this Act contained shall be held to repeal or affect the Provisions of any Act or Acts, or any Law or Usage relating to the Appointment, Salary, and Retiring Annuities of the said Master so becoming Receiver Master or his Successors in Office, or the Provisions of any Act or Acts relating to the Clerk and Examiner, or Assistant Clerk, or the Establishment or Office of the said Master or his Successors in Office.

Powers of Receivers Masters

XLIII. The said Receiver Master and his Successors in Office shall, subject to any General Orders to be made as by this Act directed, continue to have, exercise, and perform all such Authorities, Powers, and Duties as shall, upon the said First Day of *One thousand eight hundred and* be possessed, exercised, and performed by the said Acheson Lyle, as Master in Ordinary of the said Court of Chancery, or by any other Master in Ordinary of the said Court with reference to Receivers, Receivers' Accounts, and the Management of Estates under Receivers, and all other Matters relating to Receivers, and also all such and such other Authorities, Powers, and Duties as shall, on the said First Day of *One thousand eight hundred and* be possessed, exercised, and performed, or shall be or have been imposed or conferred upon the said Acheson Lyle, or his Successors in Office, or any other Master with respect to the auditing of any Accounts, or the Discharge of any other Duties in relation thereto.

Duties of Receiver Master.

XLIV. The Receiver Master under this Act and his Successors in Office shall, in addition to the Duties above mentioned, discharge such Duties with relation to the auditing of Accounts "in Minor and Lunatic Matters and Causes," and such other Accounts as the Court shall, by any General Orders to be made as by this Act provided, direct.

XLV. It shall be lawful for the Lord Chancellor, the Master of the Rolls, the Vice-Chancellors, the Court of Appeal in Chancery, and the Masters, to make such References to the said Receiver Master

PART II. *Masters Abolition.*

under this Act, and his Successors in Office, in relation to Receivers and the auditing of Accounts, as the Court shall, by any General Orders to be made as by this Act provided, direct, anything in this Act to the contrary notwithstanding.

Power to appoint additional Clerk to Receiver Master.

XLVI. It shall be lawful for the Lord Chancellor if he shall so think fit, upon the Death, Resignation, or Removal of any of the Masters, or upon any of the Masters being released under this Act, to nominate and appoint the Clerk and Examiner of any such Master to be a Second or additional Clerk and Examiner in the Office of the Receiver Master under this Act; and thereupon such Clerk and Examiner shall become a Clerk and Examiner of the Master who shall from Time to Time be the Receiver Master under this Act, and shall hold the Office of Clerk and Examiner to such Receiver Master, subject to the like Conditions in all respects as if such Clerk and Examiner had been at the Time of his original Appointment to the Office of Clerk and Examiner appointed such Clerk and Examiner in the Office of such Receiver Master.

No Vacancy in the Office of Examiner or Clerk to Master to be filled up, except, &c.

XLVII. No Vacancy which has already occurred or may hereafter occur in the Office of Clerk and Examiner to any Master (except the Master whose Office is to be maintained under this Act), or of Assistant Clerk to such Clerk and Examiner, shall be filled up: Provided always, that when any Vacancy shall have occurred or shall occur in the Office of Clerk and Examiner to any Master or Assistant Clerk to such Clerk and Examiner, before such Master shall have been released under this Act, it shall be lawful for the Lord Chancellor, if he shall consider that the State of Business in the Office of such Master renders it expedient that the Office so becoming vacant should be filled up, to sanction the Appointment by such Master of a Clerk and Examiner or Assistant Clerk, as the Case may be, in the Manner herein-after provided; and thereupon it shall be lawful for such Master to appoint, with the Approval of the Lord Chancellor, the Assistant Clerk in the Office of such Master, or the Clerk and Examiner or the Assistant Clerk to the Clerk and Examiner of any Master who shall have been released under this Act, or shall have died, resigned, or been removed before he shall have been released to the Office of Chief Clerk so becoming vacant, or to appoint, with the like Approval, the Assistant Clerk to the Clerk and Examiner of any such last-mentioned Master to the Office of Assistant Clerk so becoming vacant, and the Person so appointed to either of said Offices shall hold the said Office to which he shall be so appointed under this Act upon the like Conditions in all respects as if at the Time of his original Appointment to the Office of Clerk and Examiner or Assistant Clerk he had been appointed to the said Office to which he shall be

be appointed under this Act in the Office of the Master so appointing him under this Act; provided, that during such Time as any Person so appointed under this Act to the Office of Clerk and Examiner or Assistant Clerk shall hold the said Office, or in case the Person so appointed shall decline to accept the same, any Compensation payable to such Person under this Act as Clerk and Examiner or Assistant Clerk to the Clerk and Examiner of any Master who shall have been released under this Act, or shall have died, resigned, or been removed before he shall have been so released, shall cease to be payable; and provided also, that in case it shall appear to the Lord Chancellor that no such Clerk and Examiner or Assistant Clerk as aforesaid is eligible to such Office so becoming vacant, it shall be lawful for the Lord Chancellor from Time to Time to direct any Officer of the Court of Chancery who shall not hold any Office to which special Duties are attached to temporarily discharge the Duties of the said Office so becoming vacant, and such Officer shall thereupon discharge the same accordingly.

PART III.

Court of Appeal in Chancery.

Appointment of Judge of Court of Appeal. 14 & 15 Vict. c. 83. s. 1.

XLVIII. It shall be lawful for Her Majesty from Time to Time to nominate and appoint a fit Person who shall have exercised the Office of High Chancellor of Ireland, or who shall be One of the Judges of the Superior Courts of Common Law at Dublin, to be a Judge of the Court of Appeal in Chancery, and every Judge so nominated and appointed shall hold his Office during Her Majesty's Pleasure; or if the State of Business in said Court, or other Circumstances, should render it expedient so to do, it shall be lawful for Her Majesty, instead of appointing such Judge of the Court of Appeal as aforesaid, from Time to Time by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to be a Judge of the Court of Appeal in Chancery, and such Judge so to be appointed by Letters Patent shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such last-mentioned Judge from his Office, upon an Address of both Houses of Parliament.

Court of Appeal. 14 & 15 Vict. c. 83. s. 2.

XLIX. The Lord Chancellor, together with such Judge for the Time being appointed under this Act, shall form the Court of Appeal in Chancery, and the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend the said Court

PART III. *Court of Appeal.*

of Appeal, and the respective Judges thereof, as Circumstances shall require and the Lord Chancellor shall direct.

Title and Rank of Judge of Appeal Court. 14 & 15 Vict. c. 83. s. 3.

L. The said Judge shall be styled "Lord Justice of the Court of Appeal in Chancery in Ireland," and shall, as such, have Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer in Ireland.

Oath of Office. 14 & 15 Vict. c. 83. s. 4.

LI. Every Judge so appointed shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I , do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my 'Skill and Power, execute the Office of Lord Justice of the Court 'of Appeal in Chancery. 'So help me GOD.'

Appeals from Master of Rolls or Vice-Chancellors to Court of Appeal.

LII. From and after the First Day of *One thousand eight hundred and* all Decisions, Decrees, or Orders which shall thereafter be pronounced by the Master of the Rolls or the Vice-Chancellors in any Suit, shall be subject to Appeal to the said Court of Appeal; and from and after the said First Day of *One thousand eight hundred and* it shall not be lawful to appeal to the Lord Chancellor alone in relation to such Directions, Decrees, or Orders as aforesaid, anything herein contained, or any Law or Usage to the contrary notwithstanding: Provided, that nothing herein contained in relation to said Court of Appeal shall apply to Appeals from Decisions, Decrees, or Orders of the Master of the Rolls pronounced antecedently to the said First Day of *One thousand eight hundred and* , or to Appeals from the Masters, but such Appeals may be preferred as if the Provisions of this Act relating to the said Court of Appeal had not passed.

Powers and Jurisdiction of Court of Appeal. 14 & 15 Vict. c. 83. s. 5.

LIII. From and after the First Day of *One thousand eight hundred and* all the Jurisdiction of the Court of Chancery which is now possessed and exercised, or which but for the passing of this Act would be possessed and exercised, by the Lord Chancellor in the said Court of Chancery, in relation to Appeals from the Master of the Rolls or the Vice-Chancellors, and all Powers, Authorities, and Duties, as well ministerial as judicial, incident to such Jurisdiction, now exercised and performed by the Lord Chancellor, shall be then exercised and performed by the said Court of Appeal in relation to Appeals under this Act.

LIV. Where

LIV. Where under any Act of Parliament any Jurisdiction is vested in the Lord Chancellor, or any Power, Authority, or Duty is to be exercised or performed by the Lord Chancellor, and under the Directions of any Act or by any Usage such Power, Authority, or Duty is or ought to be exercised or performed by the Lord Chancellor acting judicially in the said Court of Chancery, all such Jurisdiction, Power, Authority, and Duty, and the ministerial Powers and Authorities incident thereto or consequent thereupon which are now exercised and performed by the Lord Chancellor, shall from and after the said First Day of *One thousand eight hundred and* be had, exercised, and performed by the said Court of Appeal in relation to Appeals under this Act: Provided always, that, save as regards Appeals under this Act, the Lord Chancellor shall and may, whilst sitting alone, have and exercise the like Jurisdictions, Powers, and Authorities as might have been exercised by the Lord Chancellor if no Court of Appeal in Chancery had been created by and no Judge of Appeals in Chancery had been appointed under this Act.

14 & 15 Vict. c. 83. s. 6.

LV. It shall be lawful for the said Court of Appeal, and for the Master of the Rolls and the Vice-Chancellors, and for each of the said Jurisdictions to sit, with the Assistance of any Judge of Her Majesty's Courts of Common Law in Ireland, upon the Request of the Lord Chancellor, if any such Common Law Judge shall find it convenient to attend upon such Request; and any such Common Law Judge so attending the said Court of Appeal shall, as regards the Matters heard before the said Court, be deemed a Judge of the said Court of Appeal.

Court of Appeal, Master of Rolls, and Vice-Chancellors may have Assistance of Common Law Judge. 14 & 15 Vict. c. 83. s. 8.

LVI. The Decision of the Majority of the Judges of the Court of Appeal, including such Common Law Judge so attending as aforesaid, shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in Opinion on any Matter brought before the Court by way of Appeal, the Decree or Order appealed from shall be taken and deemed to be affirmed by the Court of Appeal.

Decision of Majority of Judges of Court of Appeal to bind. 14 & 15 Vict. c. 83. s. 9.

LVII. All Decisions, Decrees, or Orders of the Court of Appeal shall be subject to Appeal to the House of Lords in the Cases and under the Conditions in and under which the like Decisions, Decrees, or Orders of the Lord Chancellor would have been subject to such Appeal if this Act had not been passed.

Final Appeal to House of Lords.

LVIII. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal may, in the Absence of the said Judge of Appeal to

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be appointed under this Act, be exercised by the Lord Chancellor sitting alone, or with such Common Law Judge as aforesaid at such Court of Appeal.

14 & 15 Vict. c. 83. s. 12.

LIX. The Lord Chancellor shall fix the Times at which the Judge of the said Court of Appeal appointed under this Act shall sit with the Lord Chancellor, and generally make such Regulations as to him may seem proper for regulating the Business of the said Court of Appeal, and for the Attendance of a Registrar of the said Court of Chancery at the Sittings of the said Court of Appeal.

Saving of Powers of Lord Chancellor. 14 & 15 Vict. c. 83. s. 13.

LX. Nothing herein contained shall affect any of the Powers, Duties, or Authorities attached to the Office of Lord Chancellor, or exercised by the Lord Chancellor as Keeper of the Great Seal (except the Powers, Authorities, and Duties which are exercised and performed by him, in relation to the Appeals to which this part of this Act relates), or shall affect the Powers, Authorities, and Duties of the Lord Chancellor, in relation to Bankruptcy, or under the Laws or Statutes relating to Bankrupts and Bankruptcy, or under and by virtue of any Appointment under the Sign Manual of the Crown, as having the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, or in relation to Letters Patent, Grants, or Writings passed or to be passed under the Great Seal of Ireland, or the Revocation of such Letters Patent, Grants, or Writings, or the Powers and Authorities of the Lord Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation, or to the Powers of the Lord Chancellor of Appointment to, or Removal from, or otherwise in relation to Offices in the Court of Chancery or other Offices, save as herein specially provided ; or any Powers of the Lord Chancellor (whether to be exercised by the Lord Chancellor alone, or with the Concurrence or Advice or Consent of the Master of the Rolls, or of the Master of the Rolls and the Vice-Chancellors, or otherwise,) to make Rules or Orders for regulating the Practice, Proceedings, and Business of the Court of Chancery, or the Business or Duties of any of the Offices or Officers of such Court ; and in all Cases where the Concurrence, Advice, or Consent of the Master of the Rolls and One of the Vice-Chancellors, or either of them, shall be requisite for the making of such Rules or Orders, the Concurrence, Advice, or Consent of the Judge of Appeal appointed by virtue of this Act may be substituted for that of the Master of the Rolls or of such Vice-Chancellor.

If Lord Chancellor, Master of Rolls, or

LXI. In case the Lord Chancellor, Master of the Rolls, or any Vice-Chancellor of the High Court of Chancery shall be prevented by Illness or otherwise from sitting at any Time when, according to ordinary

ordinary Course, his Court would be open, the Lord Chancellor may, by Writing under his Hand from Time to Time, as often as Occasion may require, authorize the Judge of the said Court of Appeal to sit for the hearing and determining of Causes and Matters in lieu of the Lord Chancellor, Master of the Rolls, or such Vice-Chancellor; and the Judge sitting under such Authority as aforesaid may, for the Purpose of disposing of any Cause or Matter which has been partly heard by him, continue such his Sittings, notwithstanding the Lord Chancellor, Master of the Rolls, or Vice-Chancellor in whose Stead he has partly heard such Cause or Matter may also be sitting for the Hearing of other Causes or Matters; and all Decrees and Orders made by such Judge in pursuance of such Authority shall be of the same Effect and Validity, and subject to Revision and Appeal in the same Manner in all respects, as if made by the Lord Chancellor, Master of the Rolls, or Vice-Chancellor, as the Case may be.

Vice-Chancellor prevented from sitting Judge of Appeal Court may set for him. 14 & 15 Vict. c. 83. s. 14.

LXII. It shall be lawful for Her Majesty to direct that there shall be paid to the Judge of Appeal to be appointed under this Act a Salary not exceeding Pounds, in case such Judge shall be in the Receipt of any Salary or Pension as having resigned or been removed from the Office of Lord Chancellor of Ireland, or shall be One of the Judges of the Superior Courts of Common Law at Dublin, and over and above and without Prejudice to any such Salary or Pension, or the Salary or Pension of such Judge as One of the Common Law Judges aforesaid; and in case the Person to be appointed Judge of the Court of Appeal under this Act shall not be in the Receipt of any Pension as Ex-Chancellor, or shall not be such Common Law Judge as aforesaid, such Person, on being appointed by Letters Patent under this Act, shall be entitled to the the same Salary, and the same Annuity upon Retirement, payable at the same Times, *and out of the same Funds*, and subject to the like Conditions in every respect, as if such Person had been a Vice-Chancellor appointed under this Act; and all the Provisions of this Act relating to the Salary and Annuity upon Retirement of each of the Vice-Chancellors to be appointed under this Act shall apply to the Salary and Annuity of such Judge to be appointed by Letters Patent as aforesaid.

Salary of Judge of Appeal Court.

PART IV.

Procedure and Practice.

General Provisions.

LXIII. From and after the First Day of *One thousand eight hundred and* all or any of the Powers, Authorities, and Jurisdiction given to the Master in Ordinary of the said

Power of Masters in Ordinary transferred to Master

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said Court by any Act or Acts then in force, or otherwise conferred on or possessed by such Master, may be exercised by the Master of the Rolls and Vice-Chancellors respectively; and in particular all such Powers as are given to the Masters by the "Court of Chancery (Ireland) Regulation Act, 1850," with respect to Petitions within the Fifteenth Section of the said Act, may be exercised by the Master of the Rolls and Vice-Chancellors respectively with respect to all Suits pending before them; and wherever by any such Act or Acts, or otherwise, the Order or Direction, Consent or Approbation, of a Master in Ordinary of said Court was necessary, such Order or Direction, Consent or Approbation, may be made or given by the Master of the Rolls and Vice-Chancellors respectively.

15 & 16 Vict. c. 80. s. 37.

LXIV. From and after the First Day of *One thousand eight hundred and* the Powers by this Act given to the Masters in Ordinary of the said Court and to the Court, for the winding-up of Suits and Matters pending before them, and all other Powers given by this Act, may be exercised by the Master of the Rolls and Vice-Chancellors respectively with respect to Suits which may be pending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Suit so pending ought to be finally disposed of, unless the Parties, or some of them, can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

15 & 16 Vict. c. 80. s. 39.

LXV. From and after the First Day of *One thousand eight hundred and* the Course of Practice and Proceeding in the Offices of the Masters in Ordinary of the said Court, so far as the same may be inconsistent with the Rules and Regulations to be so as aforesaid made by the Lord Chancellor, with such Advice and Consent as aforesaid, shall be abolished; and the Masters in Ordinary of the said Court shall, with reference to the Proceedings before them, adopt all such Rules and Regulations, and shall conduct the Business of their respective Offices as nearly as may be in the Manner in which similar Business shall be conducted by the Master of the Rolls and Vice-Chancellors respectively; save only that the Master, instead of communicating directly with the Judge, is to report shortly the Result of his Inquiries to the Court: Provided, however, that nothing in this Section contained shall apply to Petition Matters within the Fifteenth Section of the "Court of Chancery (Ireland) Regulation Act, 1850," and referred to the Masters under that Act; but the same, and all Proceedings therein, shall be carried on and prosecuted according to the Course and Practice of the Court with reference to such Petitions, on the said First Day of.

One

One thousand eight hundred and ; and nothing herein contained shall be construed to affect the Power of the Lord Chancellor and Masters to make General Orders respecting such Petitions under and in the Manner directed by the said "Court of Chancery (Ireland) Regulation Act, 1850," or any Act amending the same.

"Chancery Regulation Act, 1850," and Orders under it, to continue in force, except, &c.

LXVI. "The Court of Chancery (Ireland) Regulation Act, 1850," and all Orders made thereunder, and all General Rules and Orders of the Court made by virtue of any other Authority, shall be continued in full Force, except where the same shall be rescinded, altered, or amended by or are inconsistent with the Provisions of this Act, or shall be rescinded, altered, or amended by or shall be inconsistent with any General Orders to be made as by this Act directed.

General Orders to be made. 15 & 16 Vict. c. 86. s. 63.

LXVII. The Court shall from Time to Time, in the Manner by this Act directed, make General Rules and Orders for carrying the Purposes of this Part of this Act into effect, and for the Distribution of the Business of the Court between the Judges thereof, and for regulating the Times and Form and Mode of Procedure before the Master of the Rolls and Vice-Chancellor respectively, sitting at Chambers, and their respective Chief Clerks, and generally the Practice of the said Court in respect of the Matters to which this Part of this Act relates; and the Court shall have Power, by such General Orders, to alter, so far as may be found expedient, the Course of Proceeding herein-after prescribed in respect to the Matters to which this Part of this Act relates, or any of them; and the Court shall have Power, by any such General Orders, to direct that the Petitions, Affidavits, or other Proceedings to be filed in any Suit or any of them, shall be printed; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall take effect as General Orders of the said Court.

Discretionary Power of Court.

LXVIII. The Court may, in its Discretion, and on such Terms as to it may seem proper, allow any Proceedings to be taken or Act done, although the Period limited by this Act or any General Order of the Court for taking such Proceeding or doing such Act may have elapsed, or the Court may enlarge such Time, and the Court may supply an Omission in any Proceeding; and whenever any Proceedings fail to conform in any respect to this Act, or to any General Orders, or to the said recited Act, the Court shall have Power to permit an Amendment of the Proceeding.

15 & 16 Vict. c. 86. s. 60.

LXIX. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the said Court shall, by Mistake of the Parties, fail to be followed in any Suit or

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Proceeding in the said Court, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs, or on such other Terms as such Court shall direct, to make such Order giving effect to and rectifying such Proceedings as may be justified by the Merits of the Case.

Proceedings of the Judges in Court and in Chambers.

Master of Rolls and Vice-Chancellors to sit in Chambers. 15 & 16 Vict. c. 80. s. 11.

LXX. From and after the First Day of *One thousand eight hundred and* it shall be lawful for the Master of the Rolls and the Vice-Chancellors for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions hereinafter in that Behalf specified or referred to, and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

LXXI. The Chamber Business of the Master of the Rolls and of every Vice-Chancellor shall be carried on in conjunction with his Court Business; but as no Rooms are attached to the Court of the Master of the Rolls in which such Chamber Business can be transacted it shall be lawful for the Lord Chancellor to cause Chambers to be provided for him for that Purpose, until a Court with proper Rooms attached can be provided; and it shall be lawful for the Lord Chancellor to provide temporary Courts and Chambers for the Vice-Chancellors until a proper Court with proper Rooms attached can be provided for each of them.

Jurisdiction in Chambers. 15 & 16 Vict. c. 80. s. 13.

LXXII. The Master of the Rolls and each of the Vice-Chancellors, when sitting in Chambers, shall have the same Power and Jurisdiction in respect of any Business to be brought before them as if they were respectively sitting in open Court.

Effect of Orders made in Chamber. 15 & 15 Vict. c. 80. s. 15.

LXXIII. All Orders of the Master of the Rolls or of any Vice-Chancellor made by him at Chambers shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Business in Chamber. 15 & 16 Vict. c. 80. s. 26.

LXXIV. The Business to be disposed of by the Master of the Rolls and Vice-Chancellors respectively while sitting at Chambers shall consist of such of the following Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court, namely, Applications for Time to take any Steps in any Cause or Matter, for Leave to amend any Pleadings or Proceedings therein, for the Production of Documents or otherwise relating

relating to the Conduct of Suits or Matters, Applications relating to the Guardianship and Maintenance of Infants, Matters connected with the Management of Property, and such other Matters as each such Judge may from Time to Time see fit, or as may from Time to Time be directed by any General Order to be made as by this Act directed, and the Mode of proceeding before each such Judge at Chambers may be regulated by the like General Orders.

Power to adjourn any Matter from Court to Chamber, and vice versâ. 15 & 16 Vict. c. 80. s. 27.

LXXV. It shall be lawful for the Master of the Rolls and each of the Vice-Chancellors, when sitting in open Court, to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Judge to regulate and direct Proceedings before Chief Clerk. 15 & 16 Vict. c. 80. s. 29.

LXXVI. From and after the First Day of *One thousand eight hundred and* , the Master of the Rolls and the Vice-Chancellors respectively shall have the sole Power (subject to any General Orders which may be made as by this Act directed) to regulate the Matters and Things which shall be investigated by and before their respective Chief Clerks, but under their immediate Direction during their Progress, and what Matters and Things shall be heard and investigated by themselves, and particularly if the Judge shall so direct, his Chief Clerks respectively shall take such Accounts and make such Inquiries as may be requisite; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Authority of Chief Clerk. 15 & 16 Vict. c. 80. s. 30.

LXXVII. Each Chief Clerk shall, for the Purpose of any Proceedings to be taken before him, have full Power to publish Advertisements, to summon Parties and Witnesses, to administer Oaths, to take Affidavits and Acknowledgments other than Acknowledgments by married Women, to receive Affirmations, and, when so directed by the Judge to whose Court he is attached, to examine Parties and Witnesses either upon Interrogatories or vivâ voce as such Judge shall direct.

Parties and Witnesses bound to attend on Summons of Chief Clerk. 15 & 16 Vict. c. 80. s. 31.

LXXVIII. Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the said Court, or in case of Default in Attendance in pursuance of any Order of the said Court, or of any Writ of Subpœna ad testificandum; and all Persons

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swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn or affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

Form of Direction to and Certificate of Chief Clerk. 15 & 16 Vict. c. 80. s. 32.

LXXIX. The Directions to be given by the Master of the Rolls or any Vice-Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, and the Result of such Proceedings shall be concisely stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report; and when the Judge shall approve of such Certificate he shall sign the same in testimony of his adopting it.

No Exception to lie to Certificate. 15 & 16 Vict. c. 80. s. 33.

LXXX. No Exceptions shall lie to any Certificate of the Chief Clerk, although signed and adopted by the Judge, but any Party shall, either during the Proceedings before such Chief Clerk or within such Time after such Proceedings shall have been concluded, and before the Certificate shall have been signed and adopted, as the Court shall by any General Order direct, be at liberty to take the Opinion of the Judge upon any particular Point or Matter arising in the course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

15 & 16 Vict. c. 80. s. 34.

LXXXI. When any Certificate of the Chief Clerk shall have been signed and adopted by the Judge the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either either at Chambers or in open Court, according to the Nature of the Case, upon Application by Summons or Motion, or in such Form and within such Time as shall be prescribed in that Behalf by any General Order to be made as by this Act directed; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

Winding up Proceedings in the Masters Offices.

Winding up Proceedings pending in Masters Offices. 15 & 16 Vict. c. 80. s. 7.

LXXXII. In order as expeditiously as may be to wind up all the Suits which may from Time to Time be depending before or have been referred to the Masters in Ordinary of the said Court it shall be lawful for every Master, at any Time after the passing of this Act, to summon, as he shall deem fit, all or any of the Parties to any Suit so depending or their Solicitors, and thereupon to proceed

proceed with such Suit, and give such Directions and make such Orders as he may think necessary for the Purpose of settling and winding up the same; but any such Order shall be subject to be discharged or varied by the Court upon Application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

LXXXIII. Upon a Suit in which any Proceeding may from Time to Time be depending before the Master becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for the Master, notwithstanding that the Suit has become abated or defective, to summon as he shall deem fit all or any of the Parties to the Suit, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective, and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and prosecuted, for which Purpose the Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend his Summons. 17 & 18 Vict. c. 100. s. 1.

LXXXIV. In case the Master shall, by the Means aforesaid or otherwise, obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability. 17 & 18 Vict. c. 100. s. 2.

LXXXV. The Master's Certificate shall be filed and Notice thereof served by and upon such Person as the Master may direct; and such Certificate so filed and Notice served shall be deemed equivalent to such Suggestion and Notice, as is in Section Twenty-nine of the "Court of Chancery (Ireland) Regulation Act, 1850," mentioned, and the Course of Proceeding thereupon shall be the same in all respects as if a Suggestion and Notice had been filed and served as by said Section directed. 17 & 18 Vict. c. 100. s. 3.

LXXXVI. In case the Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the 17 & 18 Vict. c. 100. s. 4.

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Proceeding pending before him in the Suit; upon which Certificate the Court, or, in case the Suit so pending shall have been referred to the Master under the Fifteenth Section of the "Court of Chancery (Ireland) Regulation Act, 1850," the Master, shall make such Order as he shall think proper, on all or any of the Parties, for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

17 & 18 Vict. c. 100. s. 5.

LXXXVII. In the event of the Parties or their Solicitors refusing or neglecting, within a Time to be fixed by the Master, to file or to bring before the Court any such Certificate as aforesaid, or to serve any such Notice as aforesaid, then by the Direction of the Master the Certificate may be filed or brought before the Court or Master, or the Notice may be served by the Solicitor for the Time being to the Suitors Fee Fund; and the Court is hereby empowered to order Payment of the Costs and Expenses of the Solicitor to the Suitors Fee Fund out of such of the Funds in the Suit as to the Court shall seem just, or the Court or Master may order Payment by such Parties as to the Court or Master shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid the same, by the Direction of the Court, may be paid out of the Suitors Fee Fund.

17 & 18 Vict. c. 100. s. 7.

LXXXVIII. In any Suit which may from Time to Time be pending before or have been referred to a Master he shall be at liberty to certify specially any Decision at which he may arrive, or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Court for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

15 & 16 Vict. c. 80. s. 8.

LXXXIX. In case the Master shall be unable, by reason of the Conduct of Parties or otherwise, to finally dispose of any Suit, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Court shall make such Order as it shall think proper on all or any of the Parties for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Parties.

15 & 16 Vict. c. 86. s. 42.

XC. It shall not be competent to any Party in any Suit in the said Court to take any Objection for Want of Parties to such Suit in any Case

Case to which the Rules next herein-after set forth extend, and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court; and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled:

Rule 1. Any Residuary Legatee or next of Kin may, without serving the remaining Residuary Legatees or next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person:

Rule 2. Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person:

Rule 3. Any Residuary Devisee or Heir may, without serving any Co-Residuary Devisee or Coheir, have the like Decree:

Rule 4. Any One of the several Cestuisque Trust under any Deed or Instrument may, without serving any other Cestuique Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument:

Rule 5. In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest:

Rule 6. Any Executors, Administrator, or Trustee may obtain a Decree against any One Legatee, next of Kin, or Cestuique Trust, for the Administration of the Estate or the Execution of the Trusts:

Rule 7. In all the above Cases the Court, if it shall see fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just for placing the Respondent on the Record on the same footing in regard to Costs as other Parties having a common Interest with him in the Matters in question:

Rule 8. In all the above Cases the Persons who, according to the present Practice of the Court, would be necessary Parties to the Suit, shall be served with Notice of the Decree, and after such Notice they shall be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may, by an Order of Course, have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Court, apply to the Court to add to the Decree:

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Rule 9. In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trust Parties to the Suit, but the Court may, upon Consideration of the Matter on the Hearing, if it shall so think fit, order such Persons or any of them to be made Parties.

Court may proceed in Absence of Representative of deceased Person, or appoint a Person to represent Estate. 15 & 16 Vict. c. 86. s. 44.

XCI. If in any such Suit before the Court it shall appear that any deceased Person who was interested in the Matters in question has no legal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate, for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially or generally by public Advertisements; and the Order so made by the Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in such Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal Representative had been a Party to the Suit, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Misjoinder of Plaintiffs. 15 & 16 Vict. c. 86. s. 49.

XCII. N Suit in the said Court shall be dismissed by reason only of the Misjoinder of Persons Plaintiffs therein; but whenever it shall appear to the Court that, notwithstanding the Conflict of Interest in the Co-Plaintiffs, or the Want of Interest in some of the Plaintiffs, or the Existence of some Ground of Defence affecting some or One of the Plaintiffs, the Plaintiffs, or some or One of them, are or is entitled to Relief, the Court shall have the Power to grant such Relief, and to modify its Decree according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing before such Amendments are made to treat any One or more of the Plaintiffs as if he or they was or were a Defendant or Defendants in the Suit, and the remaining or other Plaintiff or Plaintiffs was or were the only Plaintiff or Plaintiffs on the Record; and where there is a Misjoinder of Plaintiffs, and the Plaintiff having an Interest shall have died leaving a Plaintiff on the Record without an Interest, the Court may at the Hearing of Cause order the Cause to stand revived, as may appear just, and proceed to a Decision of

of the Cause if it shall see fit, and give such Directions as to Costs or otherwise as may appear just and expedient.

Declaratory Orders without consequential Relief. 15 & 16 Vict. c. 86. s. 50.

XCIII. No Suit in the said Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Relief though some only of Parties interested before Court. 15 & 16 Vict. c. 86. s. 51.

XCIV. It shall be lawful for the Court to adjudicate on Questions arising between Parties, notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not to be entertained, it shall have Power to refuse or make the Order prayed.

Evidence.

Proofs may be by Affidavit or by Witnesses vivâ voce.

XCV. Proofs shall be made and Evidence given at the Hearing, either by Affidavit or vivâ voce, or partly by Affidavit and partly vivâ voce, or wholly or partly by the Evidence of Witnesses taken as by this Act directed, in such Cases and in such Manner as the Court shall, by any General Orders to be made under this Act, or by any Special Order to be made in any particular Case, direct.

Mode of Examination. 15 & 16 Vict. c. 86. s. 28.

XCVI. The Mode of examining Witnesses in Causes or Cause Petition Matters in the said Court, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished, save as herein-after otherwise specially provided, and all such Witnesses shall be examined orally in manner herein-after expressed: Provided always, that the Court, if it shall think fit, may order any particular Witness or Witnesses to be examined upon Interrogatories, and that with respect to such Witness or Witnesses the Practice of the said

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Court in relation to the Examination of Witnesses shall continue in full Force, save only so far as the same are varied by the Provisions of this Act, or as the same may be varied by any General Order to be made as by this Act directed, or by any Order of the Court with reference to any particular Case.

In Suits to perpetuate Testimony, &c.

XCVII. The Examination of Witnesses, de bene esse, and in Suits to perpetuate Testimony, shall be conducted orally, in manner herein provided, instead of upon Interrogatories, unless the Court shall otherwise order.

Mode of oral Examination. 15 & 16 Vict. c. 86. s. 31.

XCVIII. All Witnesses to be examined orally under the Provisions of this Act shall be so examined before One of the Examiners of the Court, or by or before an Examiner to be specially appointed by the Court, the Examiner being furnished by the Plaintiff with a Copy of the Bill or Petition, and of the Answers or Answering, Affidavit or Affidavits, if any, in the Cause; and every such Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and the Witnesses so examined orally shall be subject to Cross-examination and Re-examination; and such Examination, Cross-examination, and Re-examination shall be conducted as nearly as may be in the Mode now in use in Courts of Common Law in relation to Witnesses not expected to be present at the Trial of a Cause, and every Party to the Suit may have a Copy of the Depositions, or any Part thereof, in like Manner as Examinations upon Interrogatories.

XCIX. The Practice of the said Court of issuing Commissions to special Examiners for the Examination of Witnesses shall be and the same is hereby abolished, and in lieu thereof, whenever it shall be necessary to appoint a special Examiner for the Purpose of examining Witnesses, either in chief or in aid of any Inquiry in any Suit, the Judge before whom such Suit shall be pending or to whose Court it shall be attached shall appoint such Examiner according to the present Practice of the Court relating to the Appointment of Commissioner Examiners, so far as such Practice is applicable thereto; but such Appointment shall be made by the Order of such Judge, and such Order shall state the Rate of Payment to such Examiner, and the Time within which the Examination is to be closed, whenever the Court shall deem it expedient so to state, and give such other Directions for the Regulation of the Conduct of the Examination as to the Court shall seem proper; and every such Examiner, when so appointed, and on taking the Oath herein-after mentioned, shall have full Power and Authority, subject to the present Rules and Practice in that Behalf, to summon for Examination and to examine all Witnesses produced before

before him for Examination in such Suit, and to call for Documents and to administer Oaths; and all Persons examined before such Examiner so appointed as before mentioned shall be subject and liable to all such Penalties, Punishment, and Consequences for any wilful and corrupt false swearing, affirming, or declaring as if such Witnesses had been examined under the Authority of a Commission issued forth of the same Court and under the Seal thereof.

C. Before proceeding to examine Witnesses the Examiner so appointed is to take and subscribe before some Person duly authorized to take Affidavits in or for the said Court the following Oath, which shall be annexed to and returned with the Depositions taken by such Examiner; that is to say,

'I , do swear that I will, according to the 'best of my Skill and Knowledge, truly, faithfully, and dili- 'gently perform the Duty of an Examiner, to examine Witnesses 'pursuant to the Powers vested in me by the annexed Order of 'Appointment, and that I will truly, faithfully, diligently, and without 'Partiality to any or either of the Parties in this Suit, take and 'write down the Examinations and Depositions of all and every 'Witness and Witnesses who shall be produced and examined before 'me.

'So help me GOD.'

Affidavits, &c. how to be sworn in Colonies and Foreign Countries. 15 & 16 Vict. c. 86. s. 22.

CI. All Pleas, Answers, Disclaimers, Examinations, Affidavits, Declarations, Affirmations, and Attestations of Honour in Suits depending in the High Court of Chancery in Ireland, as also Acknowledgments required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Colony, Island, Plantation, or Place, or before any of Her Majesty's Consuls or Vice Consuls in any Foreign Parts out of Her Majesty's Dominions, and the Judges and Officers of the said Court of Chancery shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul or Vice Consul attached, appended, or subscribed to any such Pleas, Answers, Disclaimers, Examinations, Affidavits, Affirmations, Attestations of Honour, Declarations, Acknowledgments, or other Documents to be used in the said Court.

15 & 16 Vict. c. 86. s. 23.

CII. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths and take De-

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clarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Persons now by Law authorized to administer Oaths and take Declarations, Affirmations, or Attestations upon Honour.

15 & 16 Vict. c. 86. s. 24.

CIII. If any Person shall forge the Signature or the Official Seal of any such Judge, Notary Public, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Plea, Answer, Disclaimer, Examination, Affidavit, or other judicial or official Document, with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain official and other Documents."

Practice and Procedure as to the summoning, &c. of Witnesses.

CIV. The Court shall, by General Orders, regulate the Practice and Procedure of the Court with respect to the summoning and compelling the Attendance of Witnesses and the Production of Documents, and shall have Power to abolish or alter the existing Practice of the Court of issuing Subpœnas, or in any other respect in relation to the Matters aforesaid, and to substitute any other Practice and Procedure in lieu of such existing Practice and Procedure; and, subject to any General Orders, the same Penalties, Punishment, and Consequences shall be incurred by Disobedience to any Form of Procedure adopted in lieu of the said Subpœnas or either of them, as in case of Disobedience to such Subpœnas.

Practice and Procedure, at Examination of Witnesses.

CV. The Court shall, by General Orders, regulate the Practice and Procedure of the Court in relation to the Examination and Depositions of Witnesses, and the Powers and Duties of the Examiners and other Officers of the Court in relation thereto.

15 & 16 Vict. c. 86. s. 33.

CVI. If any Person produced before any such Examiner as a Witness shall refuse to be sworn or to answer any lawful Question put to him by the Examiner, or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the said Court

Court, upon written Interrogatories, and refusing to be sworn or to answer some lawful Question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him, the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner and transmitted by him to the Record Office of the said Court, to be there filed; and the Validity of such Demurrer or Objection shall be decided by the Court, and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

15 & 16 Vict. c. 86. s. 38.

CVII. The Evidence on both Sides in any Suit in the said Court, whether taken orally (and including the Cross-examination and Re-examination of any Witness or Witnesses) or taken upon Affidavit, shall be closed within such Time or respective Times as shall in that Behalf be prescribed by any General Order to be made as by this Act directed, but with Power to the Court to enlarge such Period as it may see fit; and after the Time fixed for closing the Evidence no further Evidence, whether oral or by Affidavit, shall be receivable without special Leave of the Court previously obtained for that Purpose: Provided always, that any Witness who has made an Affidavit filed by any Party to a Suit shall be subject to oral Cross-examination, within such Time after the Time fixed for closing the Evidence as shall be prescribed in that Behalf by any such General Order as aforesaid, by or before an Examiner, in the same Manner as if the Evidence given by him in his Affidavit had been given by him orally before the Examiner, and after such Cross-examination may be re-examined orally by or on the Part of the Party by whom such Affidavit was filed, but such Re-examination shall immediately follow such Cross-examination, and shall not be delayed to a future Period, and such Witness shall be bound to attend before such Examiner to be so cross-examined and re-examined, upon receiving due and proper Notice and Payment of his reasonable Expense, in like Manner as if he had been duly served with Summons to attend before such Examiner, and the Expenses attending such Cross-examination and Re-examination shall be paid by the Parties respectively in like Manner as if the Witness so to be cross-examined were the Witness of the Party cross-examining, and shall be deemed Costs in the Cause of such Parties respectively, unless the Court shall think it fit otherwise to direct.

Court may require oral Examination of any Party or Witness. 15 & 16 Vict. c. 86. s. 39.

CVIII. Upon the Hearing of any Suit depending in the said Court, the Court, if it shall see fit so to do, may require the Production and oral Examination before the Court of any Witness or Party in the Suit, and may direct the Costs of and attending the Production and Examination

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Examination of such Witness or Party to be paid by such of the Parties to the Suit, or in such Manner as it may think fit, and the Examination in such Case shall be conducted and the Evidence recorded in like Manner as Examinations are conducted and Evidence as at present recorded in the Bankrupt Court.

Attendance of Witness before Examiner. 15 & 16 Vict. c. 86. s. 40.

CIX. Any Party in a Suit depending in the same Court may, by Notice to be issued by an Examiner of the said Court or by an Examiner specially appointed for the Purpose, require the Attendance of any Witness before such Examiner, and examine such Witness orally, for the Purpose of using his Evidence upon any Motion, Petition, or other Proceeding before the Court, in like Manner as such Witness would be bound to attend and be examined with a view to the hearing of a Cause; and any Person having made an Affidavit to be used or which shall be used, or any Motion, Petition, or other Proceeding before the Court, shall be bound on being served with such Notice, to attend before an Examiner for the Purpose of being cross-examined: Provided always, that the Court shall always have a discretionary Power of acting upon such Evidence as may be before it at the Time, and of making such interim Orders or otherwise as may appear necessary to meet the Justice of the Case.

Cross-examination of Person who makes Affidavit.

Power to compel Production of Documents by Persons not Parties to Suit.

CX. The Court may, upon special Motion, order and direct any Person not being a Party to a Suit to bring into Court, for the Purpose of such Suit, any Deeds, Documents, or Papers in his Custody, Power, or Possession, subject to his Lien thereon, if any, or to allow Inspection and Copies or Extracts to be taken of the same, in the like Manner in which, if such Person had been a Party to such Suit or Matter, he might have been ordered to bring the same into Court or to allow Inspection as aforesaid, and the Costs of such Motion shall be in the Discretion of the Court.

Miscellaneous.

Power to procure Assistance of Valuators, &c. 15 & 16 Vict. c. 80. s. 42.

CXI. It shall be lawful for the said Court, or any Judge thereof, in such Way as he may think fit, to obtain the Assistance of Valuators, Surveyors, Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

15 & 16 Vict. c. 80. s. 43.

CXII. The Allowances in respect of Fees and Remuneration to such Valuators, Surveyors, Accountants, Merchants, Engineers, Actuaries,

tuaries, and other scientific Persons shall be regulated by the Taxing Master of the said Court, subject to an Appeal to the Judge to whose Court the Cause or Matter shall be attached, whose Decision shall be final, subject however to any General Orders to be made as by this Act directed in relation to such Fees and Remuneration.

Court may direct Real Estate to be sold at any Time after Institution of Suit. 15 & 16 Vict. c. 86. s. 55.

CXIII. If, in any Suit instituted in the said Court in relation to Real Estate of any Tenure, it shall appear to the Court that it will be necessary or expedient that the said Real Estate or any Part thereof should be sold for the Purposes of such Suit, it shall be lawful for the said Court to direct the same to be sold at any Time after the Institution of such Suit, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or Decretal Order on the Hearing of such Suit; and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser, or such other Person as the Court shall direct; and all Parties having Charges on such Estate, or an Interest in the Produce thereof, shall have the same Lien upon the Purchase Money that they had upon the Estate, and such Purchase Money shall be brought into and remain in Court, to abide the Event of any Accounts which may be necessary for ascertaining such Charges: Provided nevertheless, that the Court shall be at liberty, pending such Account, to order Payment of any Portion of the Fund in Court to any Party or Creditor who may appear to be entitled thereto pending such Accounts.

Court may in certain Cases allow Income of Estate to be received by Parties interested. 15 & 16 Vict. c. 86. s. 57.

CXIV. Where any Real or Personal Estate shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part or the whole of the Income thereof up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

CXV. The Practice of the said Court, heretofore observed, of requiring the Approbation of a Master to Transfers of Stock and Investment of Cash shall be discontinued, and the Court shall, by General Orders, direct the Formalities to be observed upon such Transfers or Investments.

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15 & 16 Vict. c. 86. s. 11.

CXVI. Before the Name of any Person shall be used in any Suit to be instituted in the said Court as next Friend of any Infant, married Woman, or other Party, or as the Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Petition, Bill, or Information.

Substitution where Party out of Jurisdiction.

CXVII. When a Party to a Suit is out of the Jurisdiction of the Court the Court shall have Power to direct, substitute, or dispense with Service upon such Party in such Cases, upon such Terms and in such Manner and Form as the Court shall by any General Orders direct.

Appeals.

CXVIII. All Decrees, Decisions, and Orders of the Master of the Rolls, or any of the Vice-Chancellors, including Orders for Payment of Costs, shall be made up in such Manner and by such Officers of the Court as the Court shall by General Order direct, and may be appealed from by Motion or Notice, without Objections or Exceptions, and an Appeal shall lie upon such Matters from the Court of Appeal to the House of Lords, such Appeals to be within such Time and subject to such Conditions as have been enacted by the said recited "Court of Chancery (Ireland) Regulation Act, 1850," in relation to such Appeals, save that the Party appealing shall (subject to any General Order) specify in the Notice of Appeal the Matter or Matters in respect of which such Order or Decree is objected to, whether such Objections have been to the Reception or Rejection of Evidence, or the Decision of Matters of Law or Fact.

No Case to be stated for Opinion of Court of Law.

15 & 16 Vict. c. 86. s. 61.

CXIX. It shall not be lawful for the said Court of Chancery in any Suit to direct a Case to be stated for the Opinion of any Court of Common Law, but the said Court of Chancery shall have full Power to determine any Questions of Law which in the Judgment of the said Court of Chancery shall be necessary to be decided previously to the Decision of the equitable Question at issue between the Parties.

Court may determine legal Title.

15 & 16 Vict. c. 86. s. 62.

CXX. In Cases where, according to the present Practice of the Court of Chancery, such Court declines to grant equitable Relief until the legal Title or Right of the Party or Parties seeking such Relief shall have been established in a Proceeding at Law, the said Court may itself determine such Title or Right without requiring the Parties to proceed at Law to establish the same.

CXXI. Where

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15 & 16 Vict. c. 80. s. 60.

CXXI. Where after any Case has been heard by the Lord Chancellor, and is standing for Judgment, the Lord Chancellor has delivered up the Great Seal of Ireland without being able to deliver Judgment therein, it shall be lawful for the Person who has so delivered up the Great Seal, within Six Weeks after he shall have delivered up the same, to give in to the Registrar of the said Court a written Judgment therein signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if the Judgment in pursuance whereof it is drawn up had been given in open Court the Day before he had so delivered up the Great Seal.

PART V.

Sale, Partition, and Exchange of Real Estate.

Part V.
Sale of Real Estate.

Owner of or Incumbrancer on Estate or Lease may apply for a Sale.

CXXII. When any Estate or Lease in Ireland shall be liable to be sold, or the Owner of any Estate or Lease in Ireland shall desire to sell the same, it shall be lawful for the Owner or any Incumbrancer or other Person entitled to have, or for the Owner so desiring to have a Sale thereof, to apply to Chancery for a Sale of such Estate or Lease.

When Estate or Lease liable to be sold.

CXXIII. An Estate or Lease in Ireland shall be deemed liable to be sold in all Cases where a Decree or Order for the Sale thereof might have been obtained in a Court of Justice, and also when any such Estate or Lease is subject to any Contract or Trust for Sale.

When subject to Contract for Sale

CXXIV. When any such Estate or Lease shall be subject to any Contract for Sale it shall be lawful for any Party entitled to have such Contract carried into specific Execution to apply to the Court to effectuate such Sale under this Act.

12 & 13 Vict. c. 77. ss. 16. 54.

CXXV. When Land in Ireland shall be subject to any Incumbrance the Incumbrancer or any Person entitled in possession to such Land in Tail, or quasi in Tail, or for a Life or Lives, or for a Term of Years of which not less than Ninety-nine Years are unexpired, not being a Lessee at a Rent, and also any Person entitled in possession as Tenant by the Courtesy, whether at Law or in Equity, and any Person entitled in possession for any such Estate as aforesaid to the Equity of

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of Redemption in any Land, or to the Land subject to any Incumbrance, or a Trust for the Payment of any Incumbrance, may apply to the Court as aforesaid for a Sale of the Fee Simple and Inheritance of such Land, for the Purpose of discharging the Incumbrances thereon; and the Person entitled to any such Estate as aforesaid shall be deemed the Owner of the Fee Simple Estate in such Land, within the Meaning and for the Purposes of this Act; provided that such Land shall not be deemed subject to an Incumbrance when the same shall not affect the Fee Simple Estate, unless such Incumbrance shall affect a Term of not less than Fifty Years absolute unexpired, or a greater Estate in such Land, and shall have been created by the Owner of an Estate of Inheritance, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be the Owner of an Estate of Inheritance, but an Incumbrance charged under a Power created by the Owner of an Estate of Inheritance shall be deemed to have been created by such Owner.

12 & 13 Vict. c. 77. s. 19.

12 & 13 Vict. c. 77. ss. 16. 54.

CXXVI. When a Lease of Land in Ireland shall be subject to any Incumbrance the Incumbrancer or any Person entitled in possession to the Land comprised in such Lease for any Derivation Estate (created by Settlement, or Testamentary, or other Disposition thereof) quasi in Tail, or for Life or Lives, or for Years determinable on the dropping of a Life or Lives, or for Years of which not less than Fifty Years are unexpired, not being an Under-lessee at a Rent derived out of such Lease, and any Person entitled in possession for such derivative Estate as aforesaid, to the Equity of Redemption in such Lease or to such Lease subject to any Incumbrance, or a Trust for the Payment of any Incumbrance, may apply to the Court for a Sale of such Lease under this Act, for the Purpose of discharging the Incumbrances thereon; and any Person entitled to any such derivative Estate as aforesaid shall be deemed to be the Owner of such Lease within the Meaning and for the Purposes of this Act; provided such Lease shall not be deemed subject to an Incumbrance when the same shall affect a derivative Estate or Interest only, or less than the whole Estate created or agreed to be created by such Lease, unless such Incumbrance shall have been created by the Owner of or Person entitled to the whole Estate created or agreed to be created by such Lease as aforesaid, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be such Owner or so entitled, but any Incumbrance charged under a Power created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

12 & 13 Vict. c. 77. s. 19.

CXXVII. When

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Sale of Real Estate.

CXXVII. When any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the Court may proceed and act upon an Application or Consent under this Act made or given in respect of such Incumbrance by the First Person entitled to the Income of such Incumbrance, or by any Trustee thereof, or other Person whose Estate or Interest in the Incumbrance shall appear to the Court sufficient to enable him properly to apply or consent in respect of the Parties interested in the Incumbrance. 12 & 13 Vict. c. 77. s. 20.

CXXVIII. When any Instrument purporting to be a Demise or Lease, or any other Grant or Assurance reserving Rent, executed or made by any Person entitled under any Lease, is in Construction of Law an Assignment of such Lease, all the Provisions of this Act which, in case such Instrument, Grant, or Assurance had passed less than the whole Term or Estate created by such Lease, would have been applicable to or in respect of the Reversion created under such Instrument, Grant, or Assurance, shall extend and apply to and in respect of the Rent thereby reserved; and all Rights and Interests thereunder vested in Grantor or Assignor, in like Manner as such Provisions would have been applicable to or in respect of such Reversion. 16 & 17 Vict. c. 64. s. 4.

CXXIX. Upon any such Application for a Sale under this Act being made it shall be lawful for the Court to order that a Sale of all or any Part or such Estate or Lease shall be had or effectuated, upon being satisfied that Notice has been duly given to such Persons and in such Manner as the Court shall by any General Orders as aforesaid direct, and upon hearing all such Persons interested as shall appear before the Court, and also to make such Inquiries and such Orders and give such Directions in relation to the Relief sought as the Case may require, subject, however, to any General Orders to be made as aforesaid. On Application Court may order Sale.

CXXX. When any such Order for Sale as aforesaid shall have been made the Court shall, so far as may be deemed necessary for the Purpose of the Sale, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases affect the Estate or Lease, or the Part thereof intended to be sold, and shall give such Notices and make or cause to be made such Inquiries as shall be deemed necessary for ascertaining and securing the Rights of such Tenants, Lessees, or Under-lessees as aforesaid; and such Tenants, Lessees, or Under-lessees shall at such Times and Places as the Court may by Notices require produce all Leases, Under-leases, and Agreements, in Writing, under which such Persons or Tenants occupy or claim to hold, if such Leases, Under-leases, or Agreements, or Counterparts thereof be in their Tenancies, &c. to be ascertained. 12 & 13 Vict. c. 77. s. 23.

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Possession or Power, and when they occupy or claim to hold under Leases or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver at such Times and Places as aforesaid Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and the Sale shall be made subject to such of the Tenancies, Leases, or Under-leases ascertained as aforesaid as it shall appear to the Court that the Estate or Lease liable to be sold is subject to, and such other of the Tenancies, Leases, and Under-leases ascertained as aforesaid as shall appear to the Court to have been bonâ fide granted by the Owner or Person in possession, and subject to which it shall appear to the Court the Sale should be made; and when the Court shall think fit such Sale shall be made subject to any Leases, Under-leases, or Tenancies according to any general Description or subject to any Condition concerning any Leases, Under-leases, or Tenancies the Nature of which shall not have been ascertained or shall be disputed, and when the Court shall see fit such Sale shall be made subject to any apportioned Part of any annual Charge affecting the Estate or Lease so sold or any Part thereof.

Arrears of Rent may be included in Sale. 16 & 17 Vict. c. 54. s. 9.

CXXXI. When any such Sale is to be made under this Act it shall be lawful to include therein, if to the Court it shall appear convenient so to do, all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants subject to whose Leases or Tenancies the Sale is to be made, when such Arrears are subject to any Incumbrance in respect of which the Sale is to be made, or when the Sale shall be made on the Application of the Owner, and in the Conveyance or Assignment to be executed under this Act, to assign such Arrears to the Purchaser accordingly and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery and in respect of the Nonpayment thereof the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof nor any Conveyance or Assignment of such Estate or Lease had been made: Provided always, that in the Disposal of the Purchase Money to arise upon any such Sale it shall be lawful for the Court to entertain the Claim against such Purchase Money of any Person claiming in respect of any Right or Interest in such Arrears.

Conversion of Lease in perpetuity into Fee-farm Grant. 16 & 17 Vict. c. 64. s. 3.

CXXXII. Where the Court shall order the Sale of any Lease in perpetuity it may, if it shall think it expedient so to do, cause Notice to be given to the Owner or other Persons interested in the Reversion, or any Person on behalf of such Owner or other Persons, and may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the

"Renewable Leasehold Conversion Act," but their Procedure in relation thereto shall be according to the general Rules and Practice of the said Court; and in case such Conversion shall be ordered, the said Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent, ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease and the Provisions of the "Renewable Leasehold Conversion Act;" and thereupon the Owner for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

CXXXIII. When there shall be separate Applications to the Court for Sale of Two or more Estates, or of Two or more Leases, or of Estates and Leases in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Estate or Lease, it shall be lawful for the Court, when it shall see fit so to do, to include, with the Consent of the Persons by whom such respective Applications may be made or prosecuted, and of any other Persons whose Consent the Court may think fit under the Circumstances of the Case to require, in the same Sale upon such Terms as it may think fit, such Estates, or such Leases, or such Estates and Leases, or such several undivided Shares as aforesaid; and when there shall be separate Applications for Sales of any Estate in Land, and of any Lease in other Land, or of Estates or Leases in different Lands, it shall be lawful for the Court where, from the Lands being intermixed or from other Circumstances, it shall appear convenient so to do, to include, with such Consent as aforesaid, such Estate and Lease, or such Estate or such Leases, in the same Sale upon such Terms as it may think fit; and where there shall be any such Application for Sale of any Estate or Lease, or Part or Share thereof, it shall be lawful for the Court, upon Application of the Owner of any Lease or Under-lease or Estate in reversion, or other Part or Share, or other Estate or Interest whatsoever in the same Land or Lease, (and although such Lease, Under-lease, Part, Share, or Estate in reversion, or other Estate or Interest, be not liable to be sold,) or upon the Application of any Incumbrancer or other Person entitled to have a Sale of such Lease, Under-lease, Part or Share, Estate or Interest, to include the same upon such Terms as it may think fit in the Sale of the Estate or Lease or Part thereof so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Estate or Lease ordered to be sold, and to any Incumbrancer thereon, and to the

12 & 13 Vict. c. 77. s. 36.

16 & 17 ict. c. 64. s. 6.

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Conveyance or Assignment thereof, shall, so far as Circumstances will admit, extend and be applicable to every such Lease, Under-lease, Part, Share, Estate in reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Court shall apportion the Purchase Money and Expenses as it may see fit.

Conveyance. 12 & 13 Vict. c. 77. s. 24.

CXXXIV. The Conveyance or Assignment of any Estate or Lease or Part thereof sold pursuant to this Act shall be under the Seal of the said Court, and shall be signed by the Chancellor or the Master of the Rolls, or One of the Vice-Chancellors, and the Execution by any other Persons of such Conveyance or Assignment shall be unnecessary, and such Conveyance or Assignment shall express or refer to the Tenancies, Leases, and Under-leases, if any, and Charge, if any, subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as with the Approval of the Court the Purchaser may direct; and when the Estate or Lease to be sold shall be subject to any Right, Title, or Estate in Dower, or any other Right or Title, or to any Condition, Contingent, or executory Limitation, springing or shifting, Use, or in any other Way qualified, the Conveyance shall express such Right, Title, Estate, Condition, Limitation, Use, or other Qualification to which such Estate is subject.

Effect of Conveyance. 12 & 13 Vict. c. 77. s. 27.

CXXXV. Every such Conveyance executed as aforesaid upon the Sale of an Estate in Lands shall be effectual to pass the Fee Simple and Inheritance of or other Estate in the Lands thereby expressed to be conveyed, subject to such Tenancies, Leases, and Under-leases as shall be expressed or referred to therein as aforesaid, and subject to any such Right, Title, Estate, Condition, Limitation, Use, or Qualification as shall be therein expressed as aforesaid, but, save as aforesaid and as herein-after provided, discharge from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever affecting the Fee Simple or other Estate so expressed to be conveyed, and every such Conveyance executed as aforesaid upon the Sale of any Lease shall be effectual to pass the Estate created or agreed to be created by such Lease, and then remaining unexpired, or such Estate therein as shall be thereby expressed to be conveyed, subject to the Rents and Covenants annexed to the Reversion expectant on the Determination of such Lease, and to such Tenancies, Leases, or Under-leases as shall be expressed or referred to in such Conveyance, and to such Right, Title, Estate, Condition, Limitation, Use, or Qualification as shall be therein expressed as aforesaid, but, save as aforesaid and as herein-after provided, discharged from all other

other Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest thereby expressed to be conveyed: Provided, that when any Estate or Lease or Part thereof shall be sold, subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof only as the Case may be shall remain and be charged on and payable out of such Estate or Lease or Part thereof as in the Conveyance or Assignment shall be expressed: Provided always, that any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way, or other Easement, or any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent, charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Fifth and Sixth Years of Her Majesty, Chapter Eightynine, and the Acts amending the same, or by virtue of an Act passed in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-two, save when the Court shall think fit, with the Consent of the Owner, to redeem the Crown Rents or Quitrents, or to pay off or redeem the Charges under the said Acts or either of them, and shall express in such Assignment or Conveyance that the Land conveyed or assigned thereby is so conveyed or assigned, discharged of all Crown Rents or Quitrents or Charges under the said Acts, or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly.

12 & 13 Vict. c. 77. s. 28.

Sec. 34.

CXXXVI. Every such Conveyance so executed, subject to any Lease, Under-lease, or Tenancy, shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary, in any Proceedings at Law or in Equity arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings therein, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment shall be made, his Heirs, Executors, Administrators, and Assigns, and every one of them, shall and may have and enjoy like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry, for Nonpayment of Rent, or for doing Waste or other Forfeiture; and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the parol Agreement for such Tenancy against the said Lessees, Under-lessees, and Tenants, their

Effect of Conveyance. 16 & 17 Vict. c. 64. s. 5.

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Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into an Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns ought to have had and enjoyed at any Time or Times in like Manner and Form as if the Reversion in such Land expectant in such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as a Landlord entering into such Agreement.

12 & 13 Vict. c. 77. s. 34.

CXXXVII. It shall be lawful for the Court, when the Court shall think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance liable to be paid off out of the Produce of the Sale, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof, or of a Part thereof; and where a Part only of any Estate or Lease subject to any Incumbrance or Charge is sold, it shall be lawful for the Court to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable and authorize Persons to release the Money arising from the Part sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Estate or Lease originally charged.

12 & 13 Vict. c. 77. s. 37.

CXXXVIII. If any Estate or Lease to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives, comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent between the Land comprised in the Estate or Lease to be sold and the Remainder of the Land subject to such Rent; and when it is intended to sell under this Act a Part only of any Lease it shall be lawful for the Court, when it shall think fit, and, having regard to the Rights and Interest of the Owner of the Reversion, it shall appear just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land, and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it shall think fit, and shall hear such Parties as shall apply in relation thereto, and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as are subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid,

paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

12 & 13 Vict. c. 77. s. 38.

CXXXIX. When any Person who, if not under Disability, might have made any Application, given any Consent, done any Act, or been a Party to any Proceeding under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, or Husband of such Person may respectively make such Applications, give such Consent, do such Acts, and be Party to such Proceedings as such Persons respectively, if free from Disability, might have made, given, done, or been party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman, entitled for her separate Use, with or without Power of Anticipation, shall for the Purposes of this Act be deemed a Femme Sole.

Partition.
12 & 13 Vict. c. 77. s. 43.

CXL. When any Estate or Lease shall be held in undivided Shares the Court, on the Application of any Party interested in any such undivided Share, may, if it thinks fit, make an Order for a Partition of such Estate or Lease, having first caused Notices to be given to the Owner or Owners of the other undivided Share or Shares of the same Estate or Lease as it may think fit, and hearing such Parties interested in the respective Shares as may apply, and making or causing to be made such Inquiries as it may deem necessary; and in a Map or Plan to be annexed to such Order shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Estate or Lease, and the Part so allotted in Severalty in respect of any undivided Share by any such Order as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same shall be so allotted would have stood limited or been subject to in case such Order had not been made; and in the Case of an Application for a Sale the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made, and the like Proceedings had in relation to such Sale, as if the Application for a Sale had been in respect of the Part so allotted as aforesaid.

12 & 13 Vict. c. 77. s. 43.

CXLI. When any such Order as aforesaid shall be made for the Partition of any Lease it shall be lawful for the Court to make in such Order an Apportionment of the Rent reserved and payable under such Lease; and after such Order the Owner of the Reversion in the respective Parts of the Land comprised in such Lease shall

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have the like Remedies of the apportioned Rents against the respective Parts out of which the same shall be payable, and against the Lessees, Under-lessees, or Tenants holding such respective Parts, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease as to the Amount of Rent to be paid shall, as regards the respective Parts allotted on such Partition and the apportioned Parts of the Rent, remain in force as against the respective Lessees and other Persons to whom, under such Partition, such respective Parts shall be allotted.

Exchange.
12 & 13 Vict. c. 77. s. 44.

CXLII. It shall be lawful for the Owner of any Estate or Lease who shall have entered into any Contract for the Exchange of any such Estate or Lease for any other Estate or Lease which the Owner thereof may be willing to give in Exchange to apply to Chancery for such Exchange, and thereupon the Court may make or cause to be made such Inquiries as it may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Estates and Leases, and cause such Notices to be given to such Persons so interested as it may think fit; and if on making such Inquiries and hearing such Persons so interested as may apply the Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof, as proposed, or as modified, with the Consent of such Owner as aforesaid, are just and reasonable, it may make and order for such Exchange accordingly; and in a Map or Plan to be annexed to such Order shall be shown the Lands comprised in the Estates or Leases so respectively given and taken in Exchange under such Order; and the Estate or Lease taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Estate or Lease given on such Exchange would have stood limited or been subject to in case such Order had not been made; and when an Application shall have been made for the Sale of any Estate or Lease so given in Exchange the like Order for a Sale may be made in respect of the Estate or Lease taken in Exchange for any Estate or Lease to which the Application for a Sale shall relate, and the like Proceedings had in relation to such Sale as if the Application for a Sale had been in respect of the Estate or Lease so taken in Exchange.

12 & 13 Vict. c. 77. s. 47.

CXLIII. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land so intermixed or divided into Parcels of inconvenient Form or Quantity that the same cannot be cultivated or occupied to the best Advantage,

Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court should be of opinion that the proposed Division and Allotment would be beneficial, it shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well as the Parcels in which the several Persons in whose Application such Order shall have been made were respectively interested before such Division and Allotment as the several Parcels attached to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts and be subject to the same Conditions, Charges, and Incumbrances as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

CXLIV. Provided always, That no such Order of Partition or Exchange or of Division and Allotment as aforesaid shall be made by the Court until such Notices by Advertisement in such public Newspaper or Newspapers as the Court shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and *Three* Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case, before the Expiration of such *Three* Calendar Months, any Person entitled to any Estate in or to any Charge upon any Estate or Lease included in such proposed Partition or Exchange, or any Land included in such proposed Division and Allotment, shall have given Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division or Allotment (as the Case may be), the Court shall not make an Order for such Partition, Exchange, or Division and Allotment unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charge of the Party so disputing shall have ceased, or that such Estate or Charge is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Person on whose Application the same shall have been made. 12 & 13 Vict. c. 77. s. 48.

CXLV. Every Conveyance executed in the Manner prescribed by this Act, and every Order for Partition or for Exchange or for Division Conveyance to be conclusive Evi-

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Evidence of Application, &c. &c. 12 & 13 Vict. c. 77. s. 49.

Division and Allotment made by the Court, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same, and that the Court had Jurisdiction to execute such Conveyance and Assignment, and to make such Order respectively, and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein.

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CXLVI. And whereas it is expedient that the Court of Chancery should have Power in certain Cases to authorize Sales of Settled Estates where such Sales would be proper for the beneficial Administration of the Estate, and consistent with a due Regard for the Interests of all Parties entitled under the Settlement: Be it therefore enacted, That any Person entitled to the Possession or to the Receipt of the Rents and Profits of any Settled Estates for a Term of Years determinable with his Life, or the Life or Lives of any other Person or Persons, or for an Estate for Life, or any greater Estate, may apply to the Court to exercise the Powers conferred by this Part of this Act.

Court may authorize Sales of Settled Estates, and of Timber.

CXLVII. It shall be lawful for the said Court, on any such Application, if it shall deem it consistent with a due Regard for the Interests of all Parties entitled under the Settlement, and subject to the Provisions in this Part of this Act contained, from Time to Time to authorize a Sale of the whole or any Parts of any Settled Estates, or of any Timber (not being ornamental Timber) growing on any Settled Estates, and every such Sale shall be conducted in such Manner as the Court shall by any General Orders direct.

Land may be sold reserving a Fee-farm Rent.

CXLVIII. Upon the Sale of the whole or any Part of any Settled Estate, it shall be lawful for the Court, if it shall see fit, to allow any Part of the Consideration to be a Fee-farm Rent issuing out of such Estate, and to be secured and settled in such Manner as the Court shall approve.

With whose Consent such Application to be made.

CXLIX. Subject to the Exception contained in the next Section, every Application to the Court under this Part of this Act must be made

made with the Concurrence or Consent of the following Parties, namely,

Where there is no Tenant in Tail under the Settlement in existence of full Age, then the Parties to concur or consent shall be all the Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement, and also all Trustees having any Estate or Interest on behalf of any unborn Children:

And where there is a Tenant in Tail under the Settlement in existence, and of full Age, then the Parties to concur or consent shall be such Tenant in Tail, and all Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement prior to the Estate of such Tenant in Tail, and all Trustees having any Estate or Interest on behalf of any unborn Children prior to the Estate of such Tenant in Tail.

Petition may be granted without Consent.

CL. Provided nevertheless, That it shall be lawful for the Court, if it shall think fit, to give effect to any such Petition, subject to and so as not to affect the Rights, Estate, or Interest of any Person (not being a Tenant in Tail) whose Consent or Concurrence has been refused or cannot be obtained, or whose Rights, Estate, or Interest ought in the Opinion of the Court to be excepted.

Notice of Application to be served on all Trustees, &c.

CLI. Notice of any Application to the Court under this Part of this Act shall be served on all Trustees who are seised or possessed of any Estate in trust for any Person whose Consent or Concurrence to or in the Application is hereby required, and on any other Parties who in the Opinion of the Court ought to be so served, unless the Court shall think fit to dispense with such Notice.

Notice of the Exercise of Powers to be given by the Court.

CLII. The Court shall direct that some sufficient Notice of any Exercise of any of the Powers conferred on it by this Act shall be placed on the Settlement or on any Copies thereof, or otherwise recorded in any way it may think proper, in all Cases where it shall appear to the Court to be practicable and expedient, for preventing Fraud or Mistake.

Court may appoint Trustees to receive and apply Monies arising from Sales.

CLIII. All Money to be received on any Sale effected under the Authority of this Part of this Act may, if the Court shall think fit, be paid to any Trustees of whom it shall approve, or otherwise the same shall be paid into the Bank of Ireland to the Account of the Accountant General of the Court of Chancery, and such Money shall be applied to some One or more of the following Purposes, namely,

The Discharge of any Incumbrance affecting the Hereditaments in respect of which such Money was paid, or affecting any other Hereditaments settled therewith: or,

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The Purchase of other Hereditaments to be settled in the same Manner as the Hereditaments in respect of which the Money was paid: or,

The Payment to any Person becoming absolutely entitled.

Trustees may apply Monies, in certain Cases, without Application to Court.

CLIV. The Application of the Money in manner aforesaid may, if the Court shall so direct, be made by the Trustees (if any) without any Application to the Court, or otherwise upon an Order of the Court upon the Petition of the Person who would be entitled to the Rents and Profits of the Land if the Money had been invested in the Purchase of Land.

Until Application, Money to be invested in Exchequer Bills, &c.

CLV. Until the Money can be applied as aforesaid, the same shall, if the Court shall so order, be from Time to Time invested in the Public Funds, and the Interest or Dividends to be derived therefrom shall be paid to the Person who would have been entitled to the Rents and Profits of the Land if the Money had been invested in the Purchase of Land, or to his Personal Representatives.

Court may exercise Powers, although no Provision in Settlement.

CLVI. The Court shall be at liberty to exercise any of the Powers conferred on it by this Part of this Act, whether the Court shall have already exercised any of the Powers conferred by this Part of this Act in respect of the same Property, or not; but no such Powers shall be exercised if an express Declaration or manifest Intention that they shall not be exercised is contained in the Settlement, or may reasonably be inferred therefrom, or from extrinsic Circumstances or Evidence: Provided always, that the Circumstance of the Settlement containing Powers to effect similar Purposes shall not preclude the Court from exercising any of the Powers conferred by this Act, if it shall think that the Powers contained in the Settlement ought to be extended.

Sale under the Authority of the Court not to be invalidated.

CLVII. After the Completion of any Sale in professed pursuance of this Part of this Act, the same shall not be invalidated on the Ground that the Court was not hereby empowered to authorize the same, or that the Concurrence or Consent of any Person or Persons was not obtained.

Costs.

CLVIII. It shall be lawful for the Court, if it shall think fit, to order that all or any Costs or Expenses of all or any Parties of and incident to any Application and Sale under this Part of this Act shall be paid out of the Produce of such Sale, such Costs and Expenses to be taxed as the Court shall direct.

CLIX. The

CLIX. The Court shall from Time to Time make General Rules and Orders for carrying the Purposes of this Part of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters to which this Part of this Act relates; and such Rules and Orders may from Time to Time be rescinded or altered; and all such Rules and Orders shall take effect as General Orders of the Court.

A married Woman applying to the Court to be examined apart from her Husband respecting the Nature of her Application.

CLX. Where a married Woman shall apply to the Court, or consent to an Application to the Court, under this Part of this Act, the Court may direct, if it so thinks fit, that she shall first be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application, and it shall be ascertained that she freely desires to make or consent to such Application; and such Examination shall be made whether the Hereditaments which are the Subject of the Application shall be settled in trust for the separate Use of such married Woman independently of her Husband, or not; and no such Application or Consent shall be deemed a Breach of any Restraint on Anticipation.

Married Women to be examined by the Court, &c.

CLXI. The Examination of such married Woman shall be made either by the Court or by some Solicitor duly appointed by the Court for that Purpose, who shall certify, under his Hand, that he has examined her apart from her Husband, and is satisfied that she is aware of the Nature and Effect of the intended Application, and that she freely desires to make or consent to the same.

Married Women under Age.

CLXII. Subject to such Examinations as aforesaid, married Women may make or consent to any Applications, whether they be of full Age or Infants.

No Equity to compel any one to apply to the Court.

CLXIII. Nothing in this Act shall be construed to create any Obligation at Law or in Equity on any Person to make or consent to any Application to the Court under this Part of this Act.

To what Settlements this Act to extend.

CLXIV. The Provisions of this Part of this Act shall extend to all Settlements, whether made before or after it shall come in force.

CLXV. The Provisions contained in Sections One hundred and thirty-four, One hundred and thirty-five, One hundred and thirty-six, and One hundred and forty-five of this Act shall be respectively applicable to every Conveyance on a Sale under this Part of this Act.

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CLXVI. The Provisions contained in Sections One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-seven, One hundred and thirty-eight, and One hundred and thirty-nine shall respectively apply to Sales made under this Part of this Act, and the Court shall, in respect to Sales made under this Part of this Act, have and may exercise the several Powers and Authorities contained in said several Sections respectively.

PART VII.

Abolition of Incumbered Estates Court.

PART VII.

Abolition of Incumbered Estates Court.

CLXVII. Whereas an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" And whereas, under the Provisions of said Act, certain Commissioners, with a Secretary and other Officers, were duly appointed for the Execution of the said Act, and it was by the Fifth Section of said Act enacted that no Commissioner, Secretary, or other Officer appointed as aforesaid should hold his Office for a longer Period than Five Years next after the passing of the said Act, and thenceforth until the End of the then next Session of Parliament: And whereas by several Acts since passed the said Period hath been further extended, and the Time for making Application for a Sale under said first-recited Act hath been extended to Two Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three: And whereas it is expedient that the said Court of the said Commissioners should be discontinued from the *Day of* : Be it therefore enacted, That every such Commissioner, Secretary, and other Officer as aforesaid shall hold his Office till the said *Day of* and no longer, and from and after the said *Day of* , all the Power, Authority, and Jurisdiction conferred on or committed to the said Commissioners under the said recited Acts or any of them shall cease and determine, anything in the said Acts, or any of them, to the contrary notwithstanding.

12 & 13 Vict.

15 & 16 Vict.
16 & 17 Vict.

Commissioners and Officers to cease to hold Office.

Proceedings transferred to Chancery.

CLXVIII. All Matters which on the said *Day of* shall be pending in the said Court of the said Commissioners, with all the Proceedings therein, save as herein-after excepted, shall be by force of this Act transferred to the Court of Chancery in Ireland, there to be carried on, prosecuted, dealt with, and decided according to the Practice

Practice of that Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court of Chancery, except so far as the said Court of Chancery may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules and Practice of the said Court of the said Commissioners; to which end the Court of Chancery shall for the Purposes of such Suits have all the Powers and Jurisdiction possessed by the said Court of the said Commissioners.

CLXXI. In case upon the said *Day of* any Appeal in any of the Matters so hereby transferred from any Order of ruling of any One of the said Commissioners shall have been, pursuant to the Provisions of the said recited Acts, or the Course and Practice of the said Court of the said Commissioners, preferred to the full Court of the said Commissioners, and the same as to the whole or any Part thereof shall not on or before the said *Day of* have been determined, it shall be lawful for the Chancellor to hear and determine the said Appeal, and to make such Rule, Order, or Decree therein as shall appear to the said Chancellor right and fitting in the Premises.

CLXX. If upon the said *Day of* any Matter or Thing which shall have been heard before the full Court of the said Commissioners, or any One of the said Commissioners, shall be standing for Judgment, such Court or Commissioner may at any Time within Six Weeks from the said *Day of* , give in to the Registrar of the Court of Chancery a written Judgment therein, signed by the Majority of such Court or by such Commissioner, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Chancery on the Day on which the same shall be delivered to the Registrar.

CLXXI. In case upon the said *Day of* any Appeal in any of the Matters so hereby transferred from any Order or Ruling of the said Court of the said Commissioners shall have been, pursuant to the Provisions of the said recited Acts or the Course and Practice of the said Court, preferred to the Privy Council, it shall be lawful for the said Privy Council to hear and determine the same, and to make such Rule, Order, or Decree therein as if this Act had not passed, anything herein contained to the contrary notwithstanding, and such Rule, Order, or Decree shall be binding and conclusive in said Matter as if this Act had not been passed, and such

PART VII. *Abolition of Incumbered Estates Court.*

Matter had not been transferred to the said Court of Chancery; but such Matter, and all Proceedings therein, shall in all other respects and for all other Purposes stand and be considered as transferred to the said Court of Chancery in like Manner as all other Matters and the Proceedings therein so hereby transferred as aforesaid.

CLXXII. On the said *Day of* all Stocks, Funds, Annuities, Cash, and Securities whatsoever which shall then be standing in the Names or to the Credit of the said Commissioners in the Books of the Bank of Ireland shall, on the said *Day of* , become by force of this Act vested in the Accountant General of the said Court of Chancery for the Time being, in trust to attend the Orders of the said Court of Chancery, and without any Act or Deed whatsoever to be done or executed by the said Commissioners, and shall and may be proceeded upon by and in the Name of the Accountant General of the said Court of Chancery, in right of his Office, by any Action or Suit at Law or in Equity, or in any other Manner as the same might have been proceeded on, by or in the Name of the said Commissioners, and shall be applicable to all such Purposes as the same were applicable to, except when otherwise directed by this Act.

CLXXIII. All such Funds, Stocks, Annuities, Cash, and Securities as shall be on the said *Day of* standing in the Name or to the Credit of the said Commissioners in the Books of the Bank of Ireland shall, on the said *Day of* , be carried by the proper Officers of the said Bank to the Credit of the Accountant General of the said Court of Chancery in the Books of the said Bank, in trust to attend the Orders of the said Court of Chancery, anything in any Act of Parliament for the Creation or Regulation of any such Stocks, Funds, Annuities, Cash, or Securities, or any other Acts to the contrary thereof notwithstanding.

CLXXIV. The said Commissioners and their Officers shall, on the said *Day of* , make up Accounts with the Accountant General of the Court of Chancery of all Stocks, Funds, Annuities, Cash, or Securities which shall be standing in the Name or to the Credit of the said Commissioners in the Books of the Bank of Ireland, and shall also, on the said *Day of* , make out a true and perfect Schedule of all Cash which shall have been paid into the said Bank of Ireland to the Credit of the said Commissioners, and which shall not have been invested in any Stocks, Funds, Annuities, or Securities, and all such Stocks, Funds, Annuities, and Cash which shall have become so vested in

in the Accountant General shall be entered causewise in the Books of such Accountant General, to be disposed of as the Court shall order.

CLXXV. No Payment or Transfer of any Sum of Money to be at any Time made out of any of the Cash or Funds so to be transferred as aforesaid, or out of any Cash or Funds to be at any Time brought into the said Court of Chancery, or arise or be produced in or by any Matter transferred to said Court by force of this Act as aforesaid, shall be subject or liable to the Payment of Poundage to the Usher of the said Court of Chancery, any Law or Statute to the contrary notwithstanding.

CLXXVI. On the said *Day of* the Offices of the said Commissioners, and of their Secretary and other Officers, shall be abolished, and all Petitions, Affidavits, and other Proceedings of the said Court of the said Commissioners, and all Minute and Account Books, and all other Books and Documents relating to the Proceedings of the said Court, or lodged in the said Court, shall, on the said *Day of* , or as soon after as conveniently may be, be delivered by the several Officers of the said Court having Custody of the same to such Person or Persons as shall be appointed by the Master of the Rolls, by Warrant under his Hand approved and countersigned by the Lord Chancellor, to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed Records of the Court of Chancery in the Custody of the Master of the Rolls as fully as if the same had originally been like Records of the said Court of Chancery.

CLXXVII. The Chancellor, the Master of the Rolls, and the Vice-Chancellors respectively shall, from and after the said *Day of* , have such and the same Power to reverse, discharge, or alter Rules or Orders of the said Commissioners or any of them and of the said Court of the said Commissioners in the Matters and Proceedings hereby transferred to Chancery as they would have had if the said Rules or Orders had been made respectively in Matters pending in Chancery: Provided always, that in entertaining and determining such Applications to reverse, discharge, or alter such Rules or Orders the Chancellor, Master of the Rolls, and Vice-Chancellor respectively may, if they shall so think fit, have regard to the Regulations, Conditions, and Periods under and within which such Applications could or should have been made in the Court of the said Commissioners under the said recited Acts relating to the said Court or the Course and Practice of said Court: Provided also, that any Decree or Order of the Chancellor, Master of the Rolls, or

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Vice-Chancellor reversing, discharging, or altering any such Rule or Order shall be subject to Appeal according to the Course and Practice of the said Court of Chancery.

CLXXVIII. All Matters, and the Proceedings therein pending in the Court of the said Commissioners and transferred to Chancery by force of this Act, shall be divided by the Court and referred to the Chancellor, Master of the Rolls, and Vice Chancellor, or any of them, in such Manner as the Court shall, by any General Order to be made as by this Act provided, direct, and shall thereupon be carried on and dealt with as herein-before provided.

13 & 14 Vict. c. 51. ss. 3. 11.

CLXXIX. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Rules and Orders as by this Act directed for carrying the Purposes of this Part of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Court of the said Commissioners to the Court of Chancery and the Accountant General of the Court of Chancery, and in particular for the Taxation and Allowance of Costs, and with respect to the Time and Manner of arranging the Balances of the said Accountant General with the Bank of Ireland, and for the carrying on and winding up the Matters so transferred to the Court of Chancery.

CLXXX. It shall be lawful for the Court, by any General Orders, to direct that the Master, Secretary, Registrar, Examiner, and every other Officer of the Incumbered Estates Court (except the Commissioners) who shall not be appointed to any Office under this Act, shall, notwithstanding the Abolition of their Offices under this Act, discharge such Duties with respect to the Matters so transferred to Chancery under this Part of this Act, or any other Business pending in the said Court, as the Court shall by any General Orders direct, and shall, during such Time as they shall respectively continue to discharge such Duties as they shall be so directed in that Behalf, continue to receive such Salaries and from the same Funds as they shall respectively have been receiving at the Time of the Abolition of their respective Offices under this Act in respect of the said Offices so abolished; and the Court shall have Power by such General Orders to attach any such Officer to the Court of any particular Judge, and to regulate the Distribution of Business among such Officers, and to provide for the Taxation of Costs by the said Officers or any of them, and in all such and all other Matters to prescribe and regulate the Duties and Powers of the said Officers: Provided always, that the Employment and Salaries of all such Officers under this Section shall cease and determine upon the Day of :

Provided

Provided also, that it shall be lawful for the Lord Chancellor, at any Time before the said Day, to remove any such Officer from his Employment under this Act.

PART VII.

Abolition of Incumbered Estates Court.

CLXXXI. Inasmuch as the Salaries of the said Commissioners of the Incumbered Estates Court, and of the Master, and other Officers of the said Court, who shall not be appointed to any Office or Employment under this Act, may determine by reason of this Act before the Day of , on which Day the Offices of said Commissioners, Master, and other Officers of said Court would have ceased pursuant to said recited Acts: It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby required, to order and direct that such Sum of Money, by way of Compensation, shall be paid to the said Commissioners, Master, and other Officers of said Court respectively whose Salaries shall so determine, and who shall not be appointed to any Office or Employment under this Act, as to the said Commissioners of the Treasury in their Discretion shall seem just and reasonable, but not in any Case to exceed the Sum which such Person would have been entitled to for his Salary up to said Day of , if his Office had not been abolished; and such Compensation shall be paid out of the same Funds as such Salaries would have been payable out of if this Act had not passed.

PART VIII.

PART VIII.

Fees and Stamps.

Fees and Stamps.

CLXXXII. Whereas the Imposition and Collection of Stamps and other Duties and of Fees upon Proceedings in the Court of Chancery in Ireland tend to prevent the Despatch of Business and the due Publicity of the Proceedings in said Court, and it is expedient that such Stamps and other Duties and Fees should be abolished or reduced, and that the Money to be raised upon such Proceedings should be raised and collected in some less objectionable Manner: Be it therefore enacted, That from and after the coming into Operation of this Act, so much of the Act of the Fifth and Sixth Victoria, Chapter Eighty-two, and of the Acts therein recited or referred to, and of every other Act or Acts as imposes or authorizes the Collection of any Stamp or other Duties upon any Affidavits, Affirmations, Answers, Appearances, Bills, Certificates, Charges, Discharges, Commissions, Demurrers, Notices, Decrees, Orders, Rules, Summonses, Notices, Writs, or Process Reports, Petitions, or other Proceedings in any Cause or Matter in the said Court, or any Copies of any such Documents or Proceedings, shall be and is hereby repealed; and in lieu

5 & 6 Vict. c. 82.

PART VIII. *Fees and Stamps.*

lieu of the Stamp or other Duties imposed by the said Acts on such Proceedings, there shall be granted, raised, levied and collected, and paid unto Her Majesty, Her Heirs and Successors, in Ireland, for and in respect of the several Proceedings in the said Court of Chancery in Ireland set forth in the Schedule to this Act, the several Sums of Money set forth in said Schedule.

15 & 16 Vict. c. 87. s. 6.

CLXXXIII. It shall be lawful for the Court, by any General Orders to be made as by this Act directed, to vary, reduce, or abolish all or any of the Fees payable in relation to Proceedings in the said Court, and to substitute One or more Fee or Fees in lieu thereof, *and to direct that all or any of such Fees shall from a Day to be named in such Orders and thenceforth be collected by means of Stamps, to be provided and used in manner herein-after mentioned.*

15 & 16 Vict. c. 87. s. 7.

CLXXXIV. From and after the Day named in such General Orders, unless and until the Lord Chancellor shall otherwise direct, none of the Fees mentioned in such Orders respectively shall be received in Money, *but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and when any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall be by any General Order directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceedings in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceeding.*

15 & 16 Vict. c. 87. s. 8.

CLXXXV. The Commissioners of Inland Revenue shall from Time to Time, upon Receipt of any General Order in that Behalf, give the necessary Directions for carrying the same into effect, and shall provide everything that shall be necessary for that Purpose; and shall do or cause to be done everything that shall be necessary for the Receipt and Collection of the Money to be paid for such Stamps; and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under the Provisions of any such Order or Orders, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and it shall be lawful for the said Commissioners to pay and to deduct and retain out of such Monies all such Costs, Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoiled Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Court shall, by any General Order, direct, pay the Monies so to be received and collected into the Bank of Ireland, to the Credit of the Accountant General

General of the Court of Chancery, to be placed to the Account there intituled the "Suitors Fee Fund Account."

CLXXXVI. For the Purpose of raising, levying, and collecting the Stamps and other Duties made payable by this Act, the Commissioners of Inland Revenue shall have and be vested with all the Powers and Authorities of the said Act of the Fifth and Sixth Victoria, Chapter Eighty-two, and the Acts therein recited or referred to, and the several Provisions of the said Acts (so far as the same are not inconsistent with this Act) shall be applicable to the Stamps and other Duties to be collected and raised under this Act.

CLXXXVII. The Court shall and is hereby required to revise the Fees now payable in the Offices and to the Officers of the said Court in respect of Proceedings in Causes or Matters, and by General Orders to abolish or reduce all Fees which, or the Amount of which, tend to impede the Despatch of Business, or interfere with the due Publicity of the Proceedings; and the Court in revising such Fees shall have regard to the Scale of Fees payable in the said Court of the Commissioners for the Sale and Transfer of Incumbered Estates in Ireland, and the Court shall have full Power, by any such General Orders, from Time to Time to abolish or reduce any such Fees as aforesaid, anything in any Act or Acts relating to such Fees to the contrary notwithstanding.

CLXXXVIII. When any of the Fees now payable shall be reduced as aforesaid the Provisions of all Acts and General Orders relating to the original Fees, save where inconsistent with this Act or the General Orders to be made as by this Act directed, shall apply to such reduced Fees.

CLXXXIX. Nothing in this Act contained shall apply to the Stamp Duties or Fees payable in the Bankrupt Court, or to abolish the Stamp Duties or Fees relating to Commissions of Bankruptcy.

CXC. When any Estate or Lease shall be sold under the Court there shall be paid out of the Purchase Money, and carried to the Account standing to the Credit of the Accountant General in the Books of the Bank of Ireland, termed "The Suitors Fee Fund Account," so much thereof as shall amount to per Centum thereon, and the Money so paid into the Suitors Fee Fund Account shall form Part thereof, and shall be applied accordingly.

CXCI. The Court shall, by any General Orders to be made as by this Act directed, provide for the Collection, Payment, and (where

PART VIII. *Fees and Stamps.*

the Purchaser shall be discharged from his Purchase) for the Repayment of such Per-centage as aforesaid, and shall make such Regulations in relation thereto as to the Court shall seem expedient.

CXCII. The Court may, with the Consent of the Commissioners of Her Majesty's Treasury, by any General Orders to be made as by this Act directed, reduce the Per-centage so to be paid on such Purchase Money as aforesaid, and so from Time to Time vary the Amount of such Per-centage, but so that the same shall not exceed the Limit by this Act provided.

13 & 14 *Vict. c.* 51. *ss.* 26, 27.

CXCIII. In case the Suitors Fee Fund Account should be inadequate to the Payment of the Charges now or under this Act chargeable thereon the Amount of such Charges beyond what can be so satisfied thereout shall be charged and chargeable and paid and payable upon and out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, by way of Advance in aid of the said Suitors Fee Fund Account: Provided always, that the said Sums which shall be so advanced out of the Consolidated Fund in aid of the Suitors Fee Fund Account shall become and remain a Charge thereon in favour of the Crown, so far as the same will extend after Payment of prior Charges, and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, at such Times and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall order and direct.

PART IX. *Miscellaneous.*

PART IX.

Miscellaneous.

CXCIV. Inasmuch as the Emoluments of some of the Officers of the Court may be diminished by the Operation of this Act, or by the Rules and Orders to be made thereunder, for which they may claim to have Compensation made, it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being and they are hereby required, within the Space of *Six* Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise (which Oath they and each of them are and is authorized hereby to administer), to require whether, and, if any, what Compensation ought to be made to any Officer or Person claiming such Compensation; and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted it shall be lawful for the Commissioners, by Warrant under their Hands, to order and direct that

that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners, in their Discretion, shall seem just and reasonable, and all such Compensation, whether annual or in gross, shall be payable out of such Funds as may be provided by Parliament for that Purpose.

CXCV. The Master of the Rolls, the Vice-Chancellors, the Masters, and such of the Officers of the Court as the Court shall by any General Order direct, shall make annual Returns to the Chancellor of the State and Despatch of Business pending before them respectively, at such Period of the Year and in such Form as the Court shall by any General Order direct.

CXCVI. The Court may by any General Order or Orders to be made from Time to Time regulate the Costs, Fees, and Allowances to be paid to Solicitors and others in respect of the several Matters in this Act contained.

SCHEDULE.

Form of Conveyance on Sales by the Court (which may be used with such Variations as the Circumstances may appear to the Court to require).

I, being of the High Court of Chancery in Ireland, in consideration of the Sum of Pounds, by *A.B.* of paid into the Bank of Ireland to the Credit of the Accountant-General of the Court of Chancery, do, in pursuance of the "Court of Chancery (Ireland) Regulation Act, 1855," grant unto the said *A.B.* [*here describe the Premises to be sold*] to hold the same unto the said *A.B.*, his Heirs and Assigns [*or, in the Case of Chattel Interest,* his Executors, Administrators, and Assigns] for ever, or for the qualified or other Estate to be conveyed [*or, in the Case of a Leasehold Interest or Term of Years,* for the unexpired Term created] by a certain Lease or Indenture or Will, as the Case may be, [*describing the Lease, Indenture, or Will, as the Case may be,*] subject to [*here specify when the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charges, either by reference to a Schedule or otherwise*].

Court of Chancery.

(Ireland.)

A

BILL

To alter the Constitution, Procedure, and Practice, increase the Powers of and diminish the Expense of Proceedings in the Court of Chancery in Ireland, and to discontinue the Incumbered Estates Court.

(*Prepared and brought in by Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland, and Mr. Horsman.*)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1855.

[Bill 251.]

Under 9 *oz.*

21 *February* 1855. 18 Vict.

(Ireland.)

A

B I L L

TO

Facilitate and diminish the Expense of Appeals from the Court of Chancery in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the Expense and Inconvenience attendant upon Appeals in Causes from the High Court of Chancery in Ireland to the House of Lords and in Lunatic Matters from the Decisions of the Lord Chancellor to the Queen in Council have the Effect of depriving Parties of the Exercise of such Right in most Cases adjudicated by said Court: And whereas no Right of Appeal has hitherto existed from the Decision of the Lord Chancellor of Ireland for the Time being in Bankruptcy and other Matters, although Appeals in such Cases have been provided in corresponding Cases in England: And whereas it is expedient to provide a cheap and expeditious Mode of Appeal in all Causes and Matters without affecting the Jurisdiction of the House of Lords or the Queen in Council as Tribunals in the last Resort: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 14 & 15 Vict. c. 83.

Appeal from the Court of Chancery to the Court of Chancery Appeals.

I. All Decisions, Decrees, or Orders which shall be pronounced by the Lord High Chancellor of Ireland for the Time being in any Causes or Matters, including Decisions in Bankrupt, Lunatic, or minor Matters, shall,

shall, at the Election of any Party or Parties in such Causes or Matters, be subject to Appeal to the Court herein-after constituted and described, and which shall be styled "The Court of Chancery Appeals;" and the Court so to be constituted shall have full Power to make Orders for affirming, reversing, or varying such Decrees and Orders, or to make other Orders therein, in like Manner as the House of Lords is now empowered upon Appeals in Causes from the High Court of Chancery in Ireland to affirm, reverse, or vary the Decrees or Orders of said Court or pronounce special Orders therein; and upon any Party having commenced such Appeal to "the Court of Chancery Appeals," no other Party in the Cause or Matter in which the same shall be pending shall be at liberty to appeal to the House of Lords while the same shall be pending before the said "Court of Chancery Appeals" and undecided by the said Court: Provided that nothing herein contained shall operate to deprive any Party in a Cause of the Power of electing to appeal to the House of Lords against any Decree or Order of the High Court of Chancery as heretofore instead of bringing an Appeal before such "Court of Chancery Appeals:" Provided also, that nothing herein contained shall operate to deprive any Party to a Matter in Lunacy of the Option of appealing to the Queen in Council as heretofore against any Order of the Lord Chancellor of Ireland in such Matter instead of bringing an Appeal before such "Court of Chancery Appeals."

This Act not to deprive Party of Power of electing to appeal to the House of Lords in Causes.

This Act not to deprive a Party in Lunatic Matter of Power of electing to appeal to the Queen in Council.

II. Any Party so bringing such Appeal before the said "Court of Chancery Appeals" shall not be at liberty to bring any Appeal against the Decision of the said last-mentioned Court, but the same shall be final and conclusive as to such Party; but it shall and may be lawful for any Party who may be dissatisfied with the Decision of "the Court of Chancery Appeals" upon an Appeal in a Cause, save the Party who may have brought such Appeal, to appeal to the House of Lords against such Decision, in like Manner as Appeals may now be brought from Decrees or Orders of the High Court of Chancery in Ireland to the House of Lords; and it shall also be lawful for any Party who may be dissatisfied with the Decision of the said "Court of Chancery Appeals" in any Lunatic Matter, save the Party who may have brought such Appeal, to appeal to the Queen in Council against such Decision in like Manner as Appeals in Matters of Lunacy may now be brought from any Orders of the Lord Chancellor before the Queen in Council.

Party bringing such Appeal not to be at liberty to appeal to House of Lords;

But any other Party may appeal to the Lords, if in a Cause, or to the Queen in Council, if in a Lunatic Matter.

Not necessary to enrol Decree or Order appealed from.

III. For the Purposes of such Appeal to "the Court of Chancery Appeals" it shall not be necessary to enrol any Decree or Order against which such Appeal may be brought.

IV. Every

Appeal by Petition.

IV. Every such Appeal brought under the Provisions of this Act shall be made by way of Petition, stating whether the Appellant objects to the whole of the Decree or Order appealed from or to any particular Part or Parts thereof, and if only to a Part or Parts thereof, then further stating against what Part or Parts such Appellant appeals; and the said "Court of Chancery Appeals" shall only entertain the Consideration of the Particulars so referred to in such Petition; or such Matters as may be necessarily involved therein or connected therewith; and it shall and may be lawful for the said Court of Appeal, in awarding the Costs of such Appeal, to have regard to the Manner of bringing such Appeal as to the Statement of the Matter appealed from.

Form of Petition.

Power of Court of Appeal to award Costs.

V. The said "Court of Chancery Appeals" shall have full Power to award the Costs of any Appeal brought before it, either to or against any Party to such Appeal as Appellant or Respondent, or to be paid out of any Estate or Fund, in like Manner as the House of Lords has Power to make such Orders for Payment of the Costs of Appeals brought before them; and such Order for Payment of Costs shall have the Effect of an Order of the Court of Chancery in Ireland, and may be enforced in like Manner as if the same had been pronounced by the said last-mentioned Court.

Appeals to be heard at least before Three Members of the Court.

VI. No Appeal shall be heard nor shall any Order be made therein by the said "Court of Chancery Appeals" unless in the Presence at least of *Three* Members of the said Court.

Decision of Majority to be binding.

VII. The Decision of the Majority present of Judges of the said "Court of Chancery Appeals" shall be deemed and taken to be the Decision of the said Court; and if the Judges of the Court be equally divided in Opinion on any Cause or Matter brought before the Court by way of Appeal, the Decision or Order appealed from shall be deemed and taken to be affirmed by the said Court.

Court of Appeal a Court of Record.

VIII. The said "Court of Chancery Appeals" shall be deemed and taken and is hereby invested with all the Powers of a Court of Record.

Persons taking false Oath.

IX. Any Person taking any Oath falsely before the said "Court of Chancery Appeals" on any Appeal, or before the Registrar of the said Court in relation thereto, shall be deemed guilty of Perjury, and subject to the same Penalties as if the same had been taken before the Lord Chancellor or any Officer of the Court lawfully authorized to administer the same.

Court to make General Orders.

X. The said "Court of Chancery Appeals" shall have full Power to make General Rules and Orders for the Regulation of the Proceedings thereof and the Mode of bringing such Appeals.

Constitution of Court of Appeal.

XI. The said "Court of Chancery Appeals" shall be composed of the Lord Chancellor of Ireland for the Time being, and all or any Person or Persons who had heretofore or who shall have filled the Office of Lord Chancellor in Ireland, the Master of the Rolls for the Time being, the Lord Chief Justice of the Court of Queen's Bench in Ireland for the Time being, the Lord Chief Justice of the Court of Common Pleas in Ireland, for the Time being, the Lord Chief Baron of the Court of Exchequer in Ireland for the Time being, all or any of the Puisne Judges of said several Courts for the Time being, who has heretofore or shall have filled the Office of Attorney General for Ireland, and the Judge of the Court of Prerogative for the Time being.

When Chief Judges of Courts of Law sitting in Court of Appea Puisne Judges of said Courts to preside at Nisi Prius.

XII. If the Courts of Nisi Prius in connexion with the said Courts of Common Law shall be held during the Sittings of the said "Court of Chancery Appeals," Puisne Judges of the said Courts respectively shall preside in the said Courts of Nisi Prius instead of the several Chief Judges of the said Courts upon whom shall devolve the Duty of sitting in the said Court of Appeal under the Provisions of this Act, as in ordinary Cases of Absence of such Chief Judges.

Judges of Appeals to sit in the Court of Chancery.

Registrar of Court of Chancery to act as Registrar to Court of Appeal.

XIII. The Sittings of the said "Court of Chancery Appeals" shall be held in the Court or Place in which the Lord Chancellor of Ireland shall then hold his usual Sittings; and the Registrar of the Court of Chancery in Ireland who shall be then bound to attend in the Court of the Lord Chancellor in that Capacity shall act as Registrar to such Court of Appeal; and the Records of such Appeals, and the Judgments, Decrees, or Orders of the said Court of Appeal, shall be kept in the Registrar's Office of said Court of Chancery.

This Act not to be deemed applicable to Ministerial Duties of the Lord Chancellor.

XIV. Nothing herein contained shall be deemed as referring to the Powers, Duties, or Authorities ministerially attached to the Office of Lord Chancellor, or exercised by the Lord Chancellor as Keeper of the Great Seal in relation to Letters Patent, Grants or Writings, or the Powers and Authorities of the Lord Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation or the Powers of the Lord Chancellor of Appointment to or Removal from or otherwise in relation to Offices in the said Court of Chancery or other Offices, or any Powers of the Lord Chancellor to make General Rules or Orders, for regulating the Practice, Proceedings, and

and Business of the said Court of Chancery, or the Business or Duties of any of the Offices or Officers of such Court.

XV. In the Construction of this Act, unless such Meaning be repugnant to or inconsistent with the Context, the Expressions "Lord Chancellor" shall mean and include the Lord High Chancellor of Ireland and the Lord Keeper or Lords Commissioners of the Great Seal of Ireland for the Time being, or Person to whom Authority shall be deputed to act judicially in Lunatic Matters. Construction of Terms.

Court of Chancery (Ireland) (Appeals).

(Ireland.)

A

B I L L

To facilitate and diminish the Expense of Appeals from the Court of Chancery in Ireland.

(*Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed*, 21 *February* 1855.

[Bill 36.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Make Provision for the more speedy and effectual Despatch of Business in the High Court of Chancery in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the present Mode of proceeding in the High Court of Chancery in Ireland by Orders of Reference, Reports, and Exceptions, is attended with Delay, Expense, and other Inconvenience, and it is expedient that every Cause or Matter should be prosecuted through all Stages before and under the Direction of the same Judge or Judicial Officer: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The existing senior Three Masters in Ordinary of the said Court of Chancery shall be and are hereby constituted Judges of the said Court under the Style of Vice Chancellors, with Power severally to exercise such Jurisdiction and Authority as herein-after provided; and it shall be lawful for Her Majesty from Time to Time, when and as any Vacancy shall occur in the Office of any of the said Vice Chancellors, or of any of their Successors, for the Time being, by Death, Resignation, or Removal from Office, by Letters Patent under the Great Appointment of Vice Chancellors.

Seal of Ireland, to appoint a fit Person, being a Barrister of at least *Fifteen* Years standing, to supply such Vacancy: Provided that it shall not be necessary for any of the said Masters to obtain Letters Patent for their said Appointments to such Office of Vice Chancellor, but they shall be deemed capable of exercising such Office as if the same were held by Letters Patent under the Provisions of this Act: Provided also, that when any Vacancy shall occur in the said Office of Vice Chancellor while the present existing junior Two Masters in Ordinary or either of them hold such Office of Master, the senior of such junior Masters or the Survivor of them (as the Case may be) shall be appointed to fill such Vacancy; and if the Survivor of such Two existing junior Masters be so promoted, then upon the next Vacancy in the Office of Vice Chancellor the junior of the said Two Masters shall succeed to such last-mentioned Vacancy; and every such Vice Chancellor shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office, upon an Address of both Houses of Parliament.

Vice Chancellors to take the following Oath. 5 Vict. c. 5. s. 8.

II. Every Vice Chancellor to be appointed in pursuance of this Act shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of Ireland for the Time being is hereby authorized and required to administer:

'I do solemnly and sincerely promise and swear, that I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Vice Chancellor.

'So help me GOD.'

III. The said Vice Chancellors hereby appointed and their Successors in Office respectively shall have Rank and Precedence next after the Lord Chief Baron of Her Majesty's Court of Exchequer in Ireland.

Jurisdiction of Master of the Rolls, and the Vice Chancellors.

IV. The Master of the Rolls and each of the Vice Chancellors shall severally have full Power to hear and determine all Causes, Matters, and Things which are or shall be at any Time depending in the Court of Chancery in Ireland, as a Court of Equity, or which have been or shall be submitted to the Jurisdiction of the said Court in relation to Infants or Lunatics, or by the Authority of any Act of Parliament, (except the Acts relating to Bankruptcy,) and all Decrees, Orders, and Acts of the said Master of the Rolls or Vice Chancellors severally, shall be deemed and taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, subject nevertheless to Appeal to the Lord Chancellor.

V. The

V. The Master of the Rolls and each of the said Vice Chancellors shall and may severally exercise all or any of the Powers, Authorities, and Jurisdiction, now or heretofore exercised by the Masters in Ordinary, or by the Master of the Rolls, including the Power of Attachment or Committal for Contempt. Jurisdiction, &c.

VI. The Master of the Rolls and each of the said Vice Chancellors shall severally have full Power, Authority, and Jurisdiction, as well in relation to Causes and Matters which shall be heard before them as to those which may be referred to them respectively, by Order or Decree of the Lord Chancellor, to direct and control the Conduct of the same; and make all proper and necessary Inquiries, Adjudications, Decrees, and Orders, in course of the Prosecution of the same, from such original Hearing or Reference to the final Determination thereof, and without making any Report thereon, subject nevertheless to Appeal to the Lord Chancellor. Jurisdiction, &c.

VII. So soon as this Act shall come into operation the Office of Master shall stand abolished, except as and for the Purposes hereinafter specially provided; the junior Two existing Masters shall have full Power and Authority, not only as heretofore to continue the Control and Direction of the several Causes and Matters which shall be pending before them, when this Act shall come into operation, but shall have Jurisdiction to institute such Inquiries and make such Decrees, Orders, and Adjudications in relation to the same throughout their several Stages to the final Determination thereof, including Orders for Payment of Money, as such Vice Chancellors may institute and make in the several Causes and Matters before them under the Authority of this Act, but subject to the like Appeal to the Lord Chancellor. Power of junior Masters to wind up Causes pending in their Offices.

VIII. All Causes, Matters, and Things, which at the Time of the Commencement of this Act shall be attached to the Offices of the said Three Masters hereby appointed Vice Chancellors (save and except Matters of Minority and Lunacy), and also all References under Decrees or Orders of the Court (except in Matters of Minority and Lunacy) depending before them, shall be transferred to and prosecuted before the said junior Two Masters, and shall be distributed between them in such Manner as the Lord Chancellor shall direct, and such junior Two Masters shall have and exercise with respect to all such Business, such Jurisdiction, Powers, and Authorities respectively as is herein-before reserved to or vested in them with respect to the Business heretofore depending before them at the Time of the Commencement of this Act: Provided always, that in case any Cause, Matter, or Thing shall have progressed so far before any of such senior Causes, Matters, &c. in the Offices of the senior Three Masters to be transferred to the junior Two Masters; who are to exercise therein the same Powers, &c. as with respect to the Business depending before them.

Three Masters that the Transfer thereof as aforesaid would be attended with Delay and Expense to the Parties, it shall be lawful for the Lord Chancellor to authorize and direct such Master to continue the Prosecution of such Cause, Matter, or Thing, and such Master shall prosecute the same accordingly, and with the same Powers in every respect as if this Act had not passed.

The Three senior Masters to hand over to the junior Masters all Deeds, &c., necessary for Prosecution of the Business transferred to them.

IX. The senior Three Masters respectively shall hand over and transfer to the Office of the respective junior Masters all Deeds, Papers, and Documents necessary for the Prosecution of the Causes, Matters, or Things to be transferred to such junior Masters, under the Provisions of this Act, on receiving a Requisition and Receipt therefor from the Master requiring same.

Power to Masters to summon Parties, &c. and to settle and wind up Business before them. 15 & 16 Vict. c. 80. s. 7.

X. In order as expeditiously as may be to wind up the several Causes, Matters, and Things, which may be depending before or transferred to such junior Two Masters in Ordinary of the said Court, as herein-before provided, it shall be lawful for each of such Masters at any Time after the passing of this Act to summon, as he shall deem fit, all or any of the Parties to any Cause, Matter, or Thing so depending, or their Solicitors, and thereupon to proceed with such Cause, Matter, or Thing, and give such Directions, and make such Order, as he may think necessary, for settling and winding-up the same; but any such Order shall be subject to be discharged or varied by the Court upon Application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Power to Court upon Master's Report or Certificate to make Order for Prosecution or final Disposal of any Suit, &c., and for Payment of Costs, &c. 15 & 16 Vict. c. 80. s. 8.

XI. In case the Master shall be unable by reason of the Conduct of Parties, or otherwise, to finally dispose of any Cause, Matter, or Thing, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Court shall make such Order as it shall think proper on all or any of the Parties for the further Prosecution of the Suit or Matter, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

On Neglect of Parties to bring Master's Report before the Court, the general Solicitor to Minors and Lunatics to do

XII. In the event of the Parties in any Cause, Matter, or Thing, or their Solicitors, refusing or neglecting within a Time to be fixed by the Master to bring the Master's Report or Certificate before the Court, the same may by Direction of the Master be brought before the Court by the general Solicitor for the Time being for Minors and Lunatics, Wards of the Court; and the Court is hereby empowered to order Payment of the Costs and Expenses of the Solicitor to the

the Suitors Fund out of such of the Funds in the Cause, Matter, or Thing, or by such Parties as to the Court shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same by the Direction of the Court may be paid out of the Suitors Fee Fund.

so, and his Costs provided for. 15 & 16 Vict. c. 80. s. 9.

XIII. All Matters of Minority and Lunacy which at the Time of the Commencement of this Act shall be attached to the respective Offices of the said senior Three Masters, shall thenceforth be attached to their respective Courts as Vice Chancellors, and all future Proceedings in such Matters shall be by Notice to be moved before such Vice Chancellors, instead of by Petition as heretofore; and all References pending in such Matters at the Time of the Commencement of this Act shall be continued to a final Termination before the Vice Chancellor in whose Office as a Master such References had been pending, and such Vice Chancellors shall instead of making Reports in such pending Matters, make Orders which shall be of the same Force and Effect as Orders of the Lord Chancellor, and shall be final and conclusive unless appealed from.

Matters of Minority and Lunacy attached to the Offices of the senior Three Masters shall be attached to their respective Courts as Vice Chancellors, and future Proceedings shall be by Notice.

Pending References, how to be disposed of.

XIV. The said junior Two Masters shall on or before the *First Day of Michaelmas Term* which will be in the Year One thousand eight hundred and fifty-six, transmit or cause to be transmitted to the Office of the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, a Report in Writing under the Hands or Hand of the said Masters or One of them, containing the Names of the several Causes, Matters, and Things so transferred to them from the Offices of the said senior Three Masters as aforesaid, together with the Names of the several Solicitors having the Carriage of the Proceedings in the said Causes, Matters, and Things respectively, and the said junior Two Masters, or their respective Successors in Office, shall within the first *Four* Days of Michaelmas Term in each and every Year after the said Year One thousand eight hundred and fifty-six, so long as any of said Causes, Matters, or Things shall remain pending or undisposed of in the respective Offices of the said Masters or their Successors, transmit or cause to be transmitted to the Office of such Chief Secretary a Report in Writing under their respective Hands of the Names of such of the said several Causes, Matters, or Things from Time to Time remaining undisposed of, the Names of the Solicitors respectively having the Carriage of the Proceedings, and the Date and Object of the last Meeting which shall have taken place in each of such Causes, Matters, or Things, from the Period of the next preceding Report, together with the Cause, so far as can be ascertained why the same have not been disposed of.

The junior Two Masters to deliver a Report of the Causes transferred to them from the Offices of the senior Three Masters in Ordinary to the Secretary of the Lord Lieutenant; and to make annual Returns of such of said Causes, &c. as shall remain undisposed of, from Time to Time. 4 & 5 W. 4. c. 78. s. 16.

The Master of the Rolls and Vice Chancellors to cause a Return of certain Particulars to be delivered annually to the Chief Secretary of the Lord Lieutenant.

XV. The Master of the Rolls and each of the Vice Chancellors shall severally on the *First Day of November* in every Year, or within *One Week* after the said Day, deliver or cause to be delivered at the Office of such Chief Secretary, a Return in Writing under their respective Hands, stating the Number of Days on which they respectively shall have attended at the respective Offices in the Performance of their Duties for and during Twelve Months next preceding such Return, specifying the Number of Hours occupied in each of such Days Attendance; and each of said Judges shall annex to such his Report a List or Schedule of the several Causes, Petitions, or Matters of every Description then pending in his Court, so far as the same can be ascertained, with the Names of the respective Solicitors having the Carriage of the Proceedings therein and the Date and Object of the last Proceeding which shall have taken place in each of such Causes, Matters, or Things respectively, either before such Judge or his Chief Clerk.

Power to Master of the Rolls and Vice Chancellors to sit at Chambers for the Despatch of Business, &c. 15 & 16 Vict. c. 80. s. 11.

XVI. From and after the *Commencement of this Act* it shall be lawful for the Master of the Rolls and the Vice Chancellors for the Time being, and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions herein-after in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

Power to the Lord Chancellor to provide Chambers for the Vice Chancellors. 15 & 16 Vict. c. 80. s. 12.

XVII. The Chamber Business of the Master of the Rolls and of every Vice Chancellor shall be carried on in conjunction with his Court Business; but as no Rooms are attached to the Courts of the said Masters hereby created Vice Chancellors in which such Chamber Business can be transacted, it shall be lawful for the Lord Chancellor to cause Chambers to be provided for every of them respectively for that Purpose until Courts with proper Rooms attached can be provided for them.

Judges may adjourn from open Court to Chambers, and vice versâ, the Consideration of any Matter. 15 & 16 Vict. c. 80. s. 27.

XVIII. It shall be lawful for the Master of the Rolls and every of the Vice Chancellors respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or when sitting in Chambers to direct any Matter to be heard in open Court, which he may think right to be so heard.

Mode of proceeding before

XIX. The Mode of proceeding before the Master of the Rolls and Vice Chancellors respectively at Chambers shall be by Notice, subject, however,

however, to the same Rules and Regulations as to the Entry and Service thereof, as heretofore applicable to the Service of Summonses, unless the same shall be altered by any General Rule to be made in pursuance of the Powers for that Purpose in this Act contained.

Judges at Chambers to be by Notice. 15 & 16 Vict. c. 80. s. 28.

XX. The Master of the Rolls and every of the Vice Chancellors respectively when sitting in Chambers shall have the same Power and Jurisdiction in respect of the Business to be brought before them, as if they were respectively sitting in open Court.

Judges to have same Power and Jurisdiction as in open Court. 15 & 16 Vict. c. 80. s. 13.

XXI. The Orders made by the Master of the Rolls and Vice Chancellors respectively when sitting in Chambers shall be drawn up there by their respective Clerks, to be appointed as herein-after mentioned.

Orders made in Chambers to be drawn up by the Judges Clerks. 15 & 16 Vict. c. 80. s. 14.

XXII. All Orders of the Master of the Rolls or of any Vice Chancellor, made by him at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Orders made at Chambers to have same Force as Orders of Court, &c. 15 & 16 Vict. c. 80. s. 15.

XXIII. From and after *the Commencement of this Act* the Master of the Rolls and the Vice Chancellors respectively shall have the sole Power (subject to any Rules which may be made by the Lord Chancellor, with the Advice and Assistance of them or any Two of them,) to order what Matters and Things shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and what Matters and Things shall be heard and investigated by themselves; and particularly, if the Judge shall so direct, his Chief Clerk shall take Accounts and make Inquiries; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right of the Suitor to bring any particular Point before the Judge himself.

Power to the Judges to direct what Matters shall be heard and investigated by themselves, and what by their Chief Clerks. 15 & 16 Vict. c. 80. s. 29.

Right to Suitor to bring any Point before the Judge.

XXIV. From and after *the Commencement of this Act* all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and Vice Chancellors respectively.

All Powers possessed by Masters in Ordinary to be exercised by Judges. 15 & 16 Vict. c. 80. s. 36.

XXV. It shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls and Vice-Chancellors, or any Two of them, and they are hereby required forthwith to make and issue General Rules and Orders for regulating the Times and Form and Mode of Procedure before the Master of the Rolls and Vice-Chancellors respectively, sitting at Chambers, and their respec-

Power to Lord Chancellor, with Advice, &c. of Judges to make Rules and Orders

for regulating the Mode of Procedure at Chambers. 15 & 16 Vict. c. 80. s. 38.

tive Chief Clerks, and generally the Practice of the said Court, in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to Solicitors of the said Court in respect to such Matters; and such Rules and Regulations, as aforesaid, shall take effect as General Orders of the said Court.

Existing junior Two Masters to exercise exclusive Jurisdiction in the Appointment of Receivers, &c. subject to Appeal to the Lord Chancellor.

XXVI. The said existing junior Two Masters, or such Person as may be from Time to Time nominated for the temporary Discharge of such Duty by the Lord Chancellor, shall exercise exclusive Jurisdiction in the Appointment and Control of Receivers, in passing Receivers Accounts, and otherwise, in relation to Estates under their Management, and the Application of Funds in their Hands, in like Manner as such Powers are already vested in Masters in Ordinary and the Master of the Rolls for that Purpose by the Law and Practice of the said Court, subject nevertheless to Appeal to the Lord Chancellor, and without Prejudice to any Jurisdiction heretofore exercised by the Lord Chancellor by the Law and Practice of the said Court;

And shall also continue to discharge the Duties of the Masters under the 5 & 6 W. 4. c. 16.

and the said Masters so retaining their Office under this Act shall continue to discharge the Duties imposed upon the Masters of the Court of Chancery, under the Statute passed in the Fifth and Sixth Years of the Reign of William the Fourth, Chapter Sixteen, intituled "An Act for altering and amending the Law regarding Commitments "by Courts of Equity for Contempts, and the taking Bills pro con- "fesso in Ireland."

First Vacancy of Situation of Second Master not to be filled up unless Lord Chancellor certifies the Appointment to be necessary.

XXVII. Upon the Occurrence of the First Vacancy in the Office of such Receiver Masters, the Situation of such Second Master shall not be filled up unless the Lord Chancellor shall certify under his Hand to the Commissioners of Her Majesty's Treasury that the State of Business of such Court requires the Appointment of such Second Master, in which Case it shall be competent to Her Majesty on a like Certificate from Time to Time to appoint such Second Master; but nothing in this Act contained shall deprive Her Majesty of the Power of appointing, from Time to Time, One Receiver Master, as the Office may become vacant, who shall be called the Receiver Master.

Salary of Vice Chancellors.

XXVIII. From and after the *Commencement of this Act* the annual Salary heretofore payable to the said Three Masters who are hereby created Vice Chancellors shall cease, and in lieu thereof there shall be issued and paid and payable to each and every of such Vice Chancellors, so long as they shall hold their respective Offices, and also to every succeeding Vice Chancellor in Ireland for the Time being, out of such Funds as may be provided by Parliament, the annual Sum of *Three thousand five hundred Pounds* Sterling; and every such annual Sum shall from Time to Time from henceforth be payable and paid

paid quarterly, free and clear from all Taxes and Deductions whatsoever (Income Tax excepted), on every Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and Twenty-fifth Day of December; the First Payment thereof to be made on the first of said quarterly Days which shall immediately next follow the Commencement of this Act, and in proportion only to the Time which shall have then elapsed from the Commencement of this Act: Provided always, that nothing herein contained shall extend to affect or prejudice the Right of William Henn, Esquire, One of such Masters, to receive certain annual Sums heretofore payable to him for Compensation, as One of the Masters of the said Court.

Proportion of Salary on Resignation or Death of Vice Chancellor, &c.

XXIX. Whenever any Person who shall hold the Office of Vice Chancellor in Ireland shall, during the Course of any Quarter, resign or quit his said Office, or shall die, then the Person so resigning or quitting, or the Executors or Administrators of such Person so dying, (as the Case may be,) shall be entitled to such proportionate Part of such Salary as shall have accrued during such Part of the said Quarter as such Person shall have executed the said Office; and every Vice Chancellor to be hereafter appointed shall, on the Quarter Day next after his Appointment, be entitled to have and receive out of the said Funds such Proportion of such Salary as shall have arisen from the Date of the Letters Patent of his Appointment.

Her Majesty empowered to grant an Annuity to a Vice Chancellor on his Resignation. 5 Vict. c. 5. s. 36.

XXX. It shall be lawful for Her Majesty by any Letters Patent under the Great Seal of the United Kingdom to give and grant unto any Person executing the Office of Vice Chancellor in pursuance of this Act an Annuity not exceeding *Three thousand Pounds* Sterling, to commence and take effect immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice Chancellor, and to continue from thenceforth during the Life of the Person to whom the same shall be granted; and such Annuity shall be payable out of such Funds as may be provided by Parliament; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year, (that is to say,) the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, by equal Portions; and the First quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and the Executors or Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of

Such Annuity may be limited as herein mentioned.

his Death: Provided always, that it shall be lawful for Her Majesty in and by such Letters Patent to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office shall together not exceed in the whole the said Sum of *Three thousand Pounds* Sterling: Provided also, that no Annuity granted to any Person having executed the Office of Vice Chancellor under this Act shall be valid unless such Person shall have continued in the said Office for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant; Provided also, that in estimating the Period of Service of the said Masters in Ordinary, who are hereby constituted and appointed Vice Chancellors, or who may succeed to such Office under the Provisions of this Act, with a view to the Amount of such Superannuation Allowance, it shall be lawful to reckon the Number of Years during which they have respectively filled the Office of Master in Ordinary of the said Court, along with those during which they may respectively fill the Office of Vice Chancellor; and in estimating the Period of Service of Acheson Lyle, Esquire, One of the Junior Masters, hereby appointed one of the Receiver Masters, in case he shall succeed to the Office of Vice Chancellor, with a view to the Amount of such Superannuation Allowance, it shall be lawful to reckon the Number of Years during which he has successively filled the Offices of Chief or Second Remembrancer of the Court of Exchequer and Master in Ordinary of the Court of Chancery in Ireland, along with those during which he may fill the Office of Vice Chancellor of the said Court of Chancery.

Period of Service.

The Master of the Rolls and Vice Chancellors to have certain Clerks in their respective Offices.

XXXI. The Master of the Rolls and each of the Vice Chancellors shall have in and attached to their respective Offices, to assist in the Despatch of Business as herein-after mentioned, the following Clerks and Assistants, that is to say, One Chief Clerk for the Purpose of taking Accounts in detail in subordination to and under the Direction of such Judge, issuing Postings for Sales or Creditors, signing official Documents, and of otherwise assisting in the general Business of each Court respectively, and the Causes and Matters therein; a Second Clerk or Register, whose Duty it shall be to attend the Sittings and take Notes of Orders and Decrees pronounced by the respective Judges, to have such Orders and Decrees prepared from such Notes and transmitted to the Registrar's Office of the Court of Chancery, and otherwise assist in the general Business of such Court, and Two Junior Clerks to be attached respectively to each of such Courts and assist in the general Business thereof, and such Chief Clerks and Junior Clerks

Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall perform such Duties in connexion with their respective Courts as such Judge shall from Time to Time direct; and all such Clerks and Assistants shall hold their respective Offices during good Behaviour and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered, by Order made by him, to remove any such Chief, Second, or Assistant Clerk or Clerks for some sufficient Cause to be stated in such Order.

Power to the Master of the Rolls to appoint Clerks.

XXXII. It shall be lawful for the Master of the Rolls to appoint a Chief Clerk, a Second Clerk or Registrar, and Two Junior Clerks, to be attached to his said Court and to his Successors in Office, whose Duties shall correspond with those herein-before assigned to the like Officers under the Vice Chancellors, and who shall hold their Offices for the same Term and subject to the like Regulations.

Appointment of Clerks in the Offices of the Vice Chancellors.

XXXIII. The Examiner now attached to the Office of each Senior Master hereby appointed Vice Chancellor as aforesaid shall be and become and he is hereby appointed the Chief Clerk to be attached to the Court of such Vice Chancellor and of his Successors in Office, and shall be deemed the Chief Clerk of such Judge; the Assistant Clerk now attached to the Office of each Senior Master hereby appointed Vice Chancellor, shall be and become and he is hereby appointed Registrar to be attached to the Court of such Vice Chancellor and his Successors in Office, and it shall be lawful for each of the said Masters so appointed Vice Chancellors to appoint Two Persons each to be the Junior Clerks in their respective Offices, and in the Offices of their respective Successors.

Vacancies in Clerks Offices to be filled up by Clerk next in Seniority in the respective Offices.

XXXIV. When and so often as any Vacancy shall occur by Death, Resignation, or otherwise of any of the Clerks hereby appointed or to be appointed pursuant to the Provisions of this Act, attached to the Courts of the Master of the Rolls and Vice Chancellors respectively, such Vacancy shall be filled by the Clerk next in Seniority in the Court wherein such Vacancy shall occur, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and in all future Vacancies in the Office of Junior Clerk in each Court, the Judge of the Court in which such Vacancy shall occur, shall appoint some proper Person to be such Junior Clerk.

Solicitors, &c. appointed to any Office under this Act to be struck off the Roll. 15 & 16 Vict. c. 80. s. 20.

XXXV. Every Solicitor or Attorney who shall be appointed to and shall accept any Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record in Ireland on which his Name may be.

Vice Chancellors to appoint a Crier.

XXXVI. It shall be lawful for each and every of the Vice Chancellors for the Time being respectively to appoint a Person, to be respectively attached to each of their said Courts constituted under this Act, for the Purpose of keeping Order therein and performing the Duties of Crier and Tipstaff.

Act, not to affect the Precedence, Rank, &c. of the Master of the Rolls.

XXXVII. Nothing in this Act contained shall prejudice, affect, or alter the Precedence, Rank, Power, Patronage, Emoluments, or other Rights, Privileges, and Powers incident to or heretofore enjoyed by the Master of the Rolls.

Act not to affect the Rights of Y. O'Keeffe.

XXXVIII. Provided that nothing in this Act contained shall affect the Rights of Yelverton O'Keeffe as One of the Joint Registers of the Court of Chancery.

Salaries to Chief and other Clerks in the Master of the Rolls and Vice Chancellors Offices.

XXXIX. The Salaries of the said Chief Clerks shall be the yearly Sum of *Eight hundred Pounds* Sterling each, the Salaries of the said Second Clerks or Registrars shall be the yearly Sum of *Six hundred Pounds* Sterling each; the Salaries of such Junior Clerks shall be the yearly Sum of *Three hundred Pounds* Sterling each, and the Salaries of such Criers and Tipstaffs shall be the yearly Sum of *Sixty Pounds* Sterling each; and all the said Salaries shall be paid out of such Funds as may be provided by Parliament, and shall be paid and payable in such Manner and on such and the same quarterly Days, and subject to such Regulations as to proportionable Parts at the Commencement and the Termination thereof, as is herein-before provided in respect to the Payment of the Salaries of the Vice Chancellors herein-before provided.

Retiring Allowances to Clerks in Master of the Rolls and Vice Chancellors Offices.

XL. All and every the said several Clerks hereby appointed and to be from Time to Time appointed under the Authority of this Act, in the respective Courts of the Master of the Rolls and Vice Chancellors respectively, who shall hereafter resign his Office with the Sanction and under the Authority of the Lord Chancellor, or shall be removed therefrom by the Lord Chancellor in consequence of his being permanently incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think

think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Court, and shall proceed according to the Principle laid down by an Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate the Laws for "regulating the Pensions, Compensations, and Allowances to be "made to Persons in respect of their having held Civil Offices in His "Majesty's Service;" and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is herein-before provided in respect of the Salaries of the said several Clerks: Provided always, that nothing herein contained shall prejudice the Right of the Examiners of the Three Senior Masters in Ordinary of the said Court hereby appointed Vice Chancellors, and which Examiners are hereby appointed Chief Clerks to such Vice Chancellors, to retire from the respective Offices to which they are appointed by this Act, after the Period of Service and upon the other Terms contained in an Act passed in the Fifteenth Year of Her present Majesty's Reign, intituled "An Act to regulate the Proceedings in the High "Court of Chancery in Ireland."

Chief and Second Clerks in the Master of the Rolls and Vice Chancellors Courts to take Affidavits, &c.

XLI. From and after *the Commencement of this Act* it shall and may be lawful for the several Chief Clerks, and also the Second Clerks or Registrars to the Master of the Rolls and Vice Chancellors respectively, and all other Persons who may hereafter be appointed Chief Clerks, and Second Clerks or Registrars to the Master of the Rolls respectively, or to any future Master of the Rolls or Vice Chancellor, while they shall respectively continue to hold their respective Offices; and they are hereby fully authorized, empowered, and directed to administer Oaths, and to take Affirmations, Declarations, or Attestations of Honour, Examinations, or other Matters whatever to be put in on Oath in the said Court of Chancery; and all Persons swearing, declaring, affirming, or attesting before any of such Persons so by this Act authorized to administer Oaths and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths, and to take Declarations, and receive Affirmations.

Chief Clerks of the Master of the

XLII. It shall be lawful for the Chief Clerks of the Master of the Rolls, Vice Chancellors, and Receiver Masters respectively, to ask, demand,

Rolls, Vice Chancellors, and Receiver Masters to receive certain Fee in their Offices.

demand, and receive, in their respective Offices, for and on account of the Matters and Things to be done in or concerning the Business of their several and respective Offices, the Fees and Sums of Money in the Schedule to this Act annexed, mentioned, and none other or greater Fees or Sums of Money whatever; and no Officer, Deputy, or Clerk, or any of such Officers, shall ask, demand, or receive, from any of the Suitors of the said Court, or from any Person whatsoever on their Behalf, any Fee or Sum of Money whatever on account of, or for Performance of, or under pretence of performing any Act, Matter, or Thing whatsoever, in anywise relating to the Business of the said Offices, or any of them; and the said Schedule, and the Matters and Things therein, shall be taken as Part of this Act.

Accounts to be kept, and Balances after Payment of Scrivenery Clerks and other Expenses, paid into the Exchequer to the Credit of the Consolidated Fund.

XLIII. The said Chief Clerks shall severally keep or cause to be kept in their Offices accurate Accounts of all Sums of Money received for Fees in pursuance of this Act, and shall out of the Sums received for such Fees pay to the Scrivenery Clerks employed by them respectively in pursuance of this Act, for all Copies made by such Clerks at the Rate of *Three Halfpence* per Folio of Seventy-two Words, and shall also retain and pay for Stationery, Coals, Office Keeper, and such other incidental Expenses such Sums as shall appear necessary to the Commissioners for auditing Public Accounts, and shall quarterly and every Quarter on every Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and Twenty-fifth Day of December, or within *Ten* Days next after, transmit to the Commissioners of Her Majesty's Treasury an Account on Oath of their respective Receipts and Disbursements, and shall upon such Account being audited pay into the Exchequer to the Credit of the Consolidated Fund such Balance, if any, as may be in their respective Hands on Foot of such Accounts, and if at any Time any Balance shall appear due to any of the said Chief Clerks on account of Expenses of their said Offices, it shall be lawful for the Commissioners of Her Majesty's Treasury or any *Three* or more of them, and they are hereby empowered from Time to Time if they shall think fit, to cause to be issued and paid out of the said Consolidated Fund to such Chief Clerks such Sum of Money as shall be necessary to defray the Expenses incurred in their respective Offices as aforesaid.

Construction of Terms.

XLIV. In the Construction of this Act the Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners of the Great Seal of Ireland for the Time being.

Commencement of Act.

XLV. This Act shall commence and take effect from and after the SCHE-

SCHEDULE of Fees to be received in the respective Offices of the Chief Clerks of the Master of the Rolls, Vice Chancellors, and Receiver Masters under the foregoing Act.

	s.	*d.*
Copies of Pleadings, Statements, Accounts, and all other Documents of every Description required from said Offices or any of them, for each Folio containing Seventy-two Words, or concluding Fraction of a Folio - - - - -	0	4
For engrossing Decrees and Orders for Signature of the Officer, previous to same being transmitted to the Registrar's Office, for each Folio of Seventy-two Words, or concluding Fraction of a Folio - - - - - - -	0	4
Search for Papers or Documents for any Period exceeding One Year, and not exceeding Three Years, antecedent to the Time of making such Search, where the Party requiring the Search to be made shall not take out a Copy of the Document or Documents searched for - - - - -	1	0
Search for Papers or Documents for any Period exceeding Three Years antecedent to the Time of making such Search, where the Party requiring the Search to be made shall not take out a Copy of the Document or Documents searched for - - - - - - - -	3	0

Court of Chancery (Ireland) (Jurisdiction).

A

BILL

To make Provision for the more speedy and effectual Despatch of Business in the High Court of Chancery in Ireland.

(Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.)

Ordered, by the House of Commons, *to be Printed,* 21 *February* 1855.

[Bill 32.]

Under 2 oz.

Court of Chancery (Ireland) (Procedure) Bill.

ARRANGEMENT OF CLAUSES.

Continues Chancery Act of 1850, and all General Orders not inconsistent with the present Act ; Sect. 1.

In certain Cases, Petition to be in the Form in Schedule ; 2.

If Petition not framed according to Form increased Costs to be paid by Petitioner ; 3.

Petition and Affidavit to be drawn concisely, Petitions to be signed by Counsel, the Court to make Order as to Costs occasioned by Prolixity ; 4.

Statements in Petitions and Affidavits to be divided into Paragraphs and numbered consecutively, and Interrogatories Respondent is required to answer to be specified in a Note at Foot ; 5.

Respondent not to object for Want of Parties to any Suit to which the Rules herein set forth extend ; 6.

The Court may proceed in any Suit without Representative of deceased Person, or may appoint one ; 7.

Costs of Motion to annex or file Interrogatories, under Eighth Section of Chancery Regulation Act, to stand until the Hearing ; 8.

Where Petition prays for a Sale of Lands, or for an Account of Personal Estate, the Owner of the Land, or the Person representing the Personal Estate, only to be Respondent ; 9.

Definition of the Term " Owner of the Land " ; 10.

Petition to be verified by Affidavit of Petitioner unless in Cases after mentioned ; 11.

Petition filed by Attorney or Solicitor General, in official Capacity, not to be verified, but when there is a Relator to be verified by him ; 12.

Petitions by Persons of unsound Mind, and Corporations, how to be verified ; 13.

Short Form of Affidavit to be adopted ; 14.

When Petitioner unable to verify Petition, the Mode of Verification ; 15.

Application for, and giving Security for Costs when Petitioner out of Jurisdiction ; 16.

A written Authority to be signed by " next Friend " or Relator, and filed with Petition ; 17.

Every Cause, Matter, &c., involving a Reference, to be set down and heard before the Master of the Rolls or a Vice Chancellor, unless the Lord Chancellor shall otherwise order; 18.

Petitions, &c. not being in a Cause which may have been attached in Courts of Master of the Rolls or Vice Chancellors, to be heard before Lord Chancellor, unless otherwise provided; 19.

When Causes, &c. are to be heard before the Master of the Rolls or Vice-Chancellor, the Clerk of Appearances to stamp the Petition with the Name of One of such Judges in rotation, and at the same Time to stamp a Copy for the Office of such Judge; 20.

When Causes, &c. to be heard before the Lord Chancellor, the Clerk of Appearances to stamp Petitions accordingly; 21.

All Petitions not being Cause Petitions to be stamped by Clerk of Appearances; 22.

Upon filing Cause Petition in Rolls Office, an Entry to be made of certain Particulars; 23.

Notice of filing Cause Petition to be given to Respondents in all Cases; 24.

Notice of filing Cause Petition to be in the Form in Schedule B; 25.

Service of Respondent out of the Jurisdiction of the Court; 26.

Memorandum of Service of Notice on Respondent to be entered with Clerk of Appearances; 27.

Time within which answering Affidavits may be filed if no answering Affidavit Proceedings to set down Cause; 28.

Order giving Liberty to file Interrogatories shall state Time within which they shall be answered, Answer to be in the Form in Schedule C.; 29.

Affidavit by Respondent to be in Form in Schedule C., and signed by Counsel, if he requires Petitioner's Proofs to be made vivâ voce he shall add a Requisition to that Effect; 30.

Costs of improper Defence to be paid by Respondent or his Solicitor, as the Court may think fit; 31.

Petitioner to lodge with his Solicitor all Deeds, &c., Respondent to be at liberty to inspect and take Abstracts, and obtain Copies on Payment of $1\frac{1}{2}d.$ per Folio; 32.

If Respondent's Answer does not put Petitioner on Proof of Facts or Documents, Petitioner may set down Cause for Hearing; 33.

If Matters of Fact or Documents disputed by Petitioner or Respondent, Petitioner to serve Notice in the Form in Schedule D., and the Cause to be then deemed at Issue; 34.

Matters of Fact and Documents stated in answering Affidavit, if not disputed, shall be taken to be admitted; 35.

Costs of Proof of Matters unnecessarily contested; 36.

Notice pursuant to Thirty-fifth Section, when served by Petitioner, to be entered in Rolls Office; 37.

Election of Mode of Proof in certain Cases; 38.

The present Mode of Examination of Witnesses abolished, Witnesses to be examined orally, with Power to the Judge to direct Examination upon Interrogatories; 39.

Examination of Witnesses de bene esse, and to perpetuate Testimony, to be oral as in previous Section, unless the Court shall otherwise order; 40.

Oral Examination of Witnesses, how to be conducted; 41.

Commissions for Examination of Witnesses abolished, and Appointment by Order substituted; 42.

Commissioner to take the Oath herein prescribed; 43.

Depositions taken by Special Commissioner, how to be returned; 44.

Examination of Witnesses in England and Scotland, how to be conducted; 45.

Affidavits and Proceedings in Chancery where Parties resident in Foreign Parts, how to be taken; 46.

Penalty for false swearing, &c.; 47.

Penalty for forging Signature or Seal of Judge, &c.; 48.

Subpœna ad testificandum and Subpœna duces tecum abolished, and Notice substituted; 49.

Summons to compel Attendance of Witnesses to be signed by Judge's Registrar; 50.

Notice of vivâ voce Examination may be served by Petitioner or Respondent after Issue joined, Examination when commenced to be proceeded with until concluded; 51.

Depositions to be taken in Writing in Form of a Narrative, and read over to and signed by Witness, if Witness refuse to sign Examiner to sign them, Costs of irrelevant Depositions; 52.

Practice when Witness refuses to be sworn or examined or demurs; 53.

Evidence to be closed on both Sides within *Nine Weeks* after Issue joined, no further Examination or Affidavit permitted, Witness who has made an Affidavit may be cross-examined and re-examined, Expenses of Cross-Examination, &c.; 54.

Forty-eight Hours Notice of cross-examining a Witness who has made an Affidavit to be given; 55.

Upon the Hearing of a Cause the Court may require the Production and oral Examination of any Witness or Party, and determine as to Costs thereof; 56.

Any Party may require the Attendance of a Witness before an Examiner to be examined, to use the Evidence on a Motion; 57.

Examination of Witnesses upon Interrogatories to be regulated by the General Orders of 27th March 1843; 58.

Petitioner or Respondent may proceed with Examination on Interrogatories before passing Publication; 59.

Court at liberty to disallow Costs of examining Witnesses vivâ voce in certain Cases; 60.

Publication to pass in Nine Weeks after serving Notice of joining Issue; 61.

Petition not to be amended except by special Order, no Supplemental Petition without the Leave of the Court; 62.

When the Jurisdiction of the Court attaches on Petition no Petition to be presented after the First, all subsequent Applications to be on Notice; 63.

When setting down Petition for Hearing, Solicitor for Petitioner to lodge with the Registrar a Docket containing the Names of the Parties, &c.; 64.

In Cases not falling within the Sections, Notice of setting down Cause Petition for Hearing, how to be served; 65.

Setting down Cause Petition on Proofs; 66.

Respondent not entitled to Costs of appearing at Hearing without a reasonable Cause, although served with Notice; 67.

Exceptions to answering Affidavits for Insufficiency to be regulated by General Orders of 27th March 1843; 68.

Exceptions not to state Interrogatories at length, but to refer to them by Number; 69.

References for Prolixity and Impertinence abolished; 70.

Cause Petition not heard within a Year to stand dismissed without Order unless Time extended by *the Court,* Power to the Court to restore it; 71.

If Petitioner does not proceed, Respondent may move to dismiss Petition for Want of Prosecution, after One Month from Time Petitioner might have set it down; 72.

Respondent may set down Cause if Petitioner does not; 73.

The Court on Special Motion to be at liberty to order a Person not a Party to a Petition to bring in Deeds, &c., subject to Lien, and if the Affidavit by such Person be defective or evasive, Court may permit Interrogatories for his Examination; 74.

When necessary, Parties not in the first instance served with Notice of the Petition, the Court may at any Stage direct further Service; Notice to be in the Form in Schedule F., and the Party so served shall be bound by the Proceedings; 75.

A Copy of the Order to bind Parties to be lodged in the Rolls Office; 76.

Every Person filing a Claim to be deemed a Party to the Petition, Abatement not caused by Death, &c.; 77.

Notices of Motion, how to be entitled, in addition to Parties Names; 78.

Cause Petitions, answering Affidavits, and Answers to Interrogatories, to be filed in Rolls Office, all other Affidavits to be filed in Office of Clerk of Affidavits; 79.

Side-bar Rules; 80.

Court empowered to enlarge Time, and make Amendments in any Proceeding; 81.

No Reference to be made except by the Lord Chancellor, no Reports to be made by the Master of the Rolls and Judges, who are to make all necessary Decrees and Orders, and conduct Inquiries; 82.

Proceedings at Hearing of Cause, Parties to be prepared to proceed to a final Adjudication when practicable; 83.

Further Hearing when Cause stands over for an Account or Inquiry, &c.; 84.

Making Proofs or further Proofs subsequent to Hearing, the Court to direct the Mode and limit the Time; 85.

Accounts to be taken by Chief Clerk, but he is not to make any formal Report thereon; 86.

Course of Proceeding to be the same as on Motion, Charges, &c. abolished; 87.

Proceedings by Summons abolished, Notices substituted; 88.

Accounting Party to lodge Account, verified by Affidavit, without Charge or Discharge being filed, if Account not passed within Time limited Proceedings by Attachment for Default; 89.

Parties to be at liberty to object to Account; 90.

Postings for Sales, &c. to be signed by Chief Clerk, who is to direct Time and Mode of Publication, and to ascertain if Directions have been complied with; 91.

Creditors, &c. coming in to prove Demands, to file a Claim in the tabular Form in the Schedule; 92.

Claimants to file their Claims and give Notice, no separate Hearing of Claims; 93.

Parties interested may lodge Objections to Claim, the Costs to be paid as the Judge shall direct; 94.

Claims to be investigated primarily by the Chief Clerk of the Judge, who shall pass same where no Question arises, Case to be then set down for Hearing before the Judge as to controverted Points; 95.

If the Solicitor having the Carriage of the Proceedings does not set down Case for Investigation before Judge's Chief Clerk, any Respondent or Creditor may do so; 96.

In case no Claims lodged, Case may be set down before the Judge for a final Order; 97.

All Decrees, Orders, &c. of the Master of the Rolls and Judges to be made up by the respective Registrars, and may be appealed from without Exception or Objection; 98.

Appointment of Perambulators in Partition Cases to be made without Commission; 99.

Chief Clerk of Judge shall not proceed with Sale until satisfied that the Directions for Publication of Posting have been complied with; 100.

Chief Clerk to hold all Sales, except they are to be in the Country; 101.

Confirming Sale, if Purchaser does not lodge Purchase Money Proceeding by Attachment to compel him to do so; 102.

Objections may be taken to Title without Order; 103.

Purchaser who has lodged his Purchase Money not filing Objections to the Title within One Month, the Title to be deemed accepted; 104.

Conveyance to a Purchaser to be prepared as between the Parties, and executed by the Judge only, Parties to be bound thereby; 105.

Conveyance to be exempt from Stamp Duty; 106.

Purchaser not to be at liberty to object to the Title for Want of Parties to the Suit in certain Cases; 107.

All Affidavits to be expressed in the First Person; 108.

Affidavits to be divided into Paragraphs and numbered; 109.

Suit not to be dismissed for Misjoinder of Petitioners, but the Court may modify its Decree according to special Circumstances; 110.

Suit not to be objected to because only a declaratory Decree is sought; 111.

Court may decide between some of the Parties without making others interested Parties to the Suit; 112.

Court may order Real Estate to be sold at any Time after Institution of a Suit, Parties having Charges on the Estate to have the same Lien on the Purchase Money; 113.

When Real or Personal Property is the Subject of Proceedings, the Court may allow the Parties part or the whole of the annual Income pending the Proceedings; 114.

Practice as to allocating and paying out Funds; Allocation Schedule to be prepared by Solicitor and submitted to Chief Clerk of Judge, and Notice of Lodgment thereof to be served on all the Parties, &c.; 115.

Objections may be lodged to Allocation Schedule until within a Week of Hearing; 116.

Masters Approbation of Transfer of Stock, &c. to be discontinued; 117.

In case the Directions as to Practice, &c., in this Act contained, are not followed by Mistake of Parties, the Court may make an Order to rectify and award Costs; 118.

The Court of Chancery not to direct Cases for the Opinion of Courts of Law, but decide same; 119.

The Court may determine legal Title of Party seeking Relief, without requiring Parties to proceed at Law; 120.

The Lord Chancellor and Judges to make General Orders for carrying Act into effect; 121.

Compensation to Officers for Diminution of Emoluments; 122.

Construction of Terms of Act; 123.

(Ireland.)

A

BILL

TO

Amend the Practice and Course of Proceeding in the High Court of Chancery in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble. Petitions under the 13 & 14 Vict. c. 89.

WHEREAS an Act was passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to regulate the Proceedings in the High Court "of Chancery in Ireland:" And whereas it is expedient further to amend the Practice thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act 13 & 14 Vict. c. 89. continued except where altered by this Act.

I. The said recited Act, and all Orders made thereunder or by virtue of any other Authority, shall be continued in full force, except where the same shall be altered, amended, or are inconsistent with the Provisions of this Act.

Petitions under 13 & 14 Vict. c. 89. in the several Cases mentioned, shall be in the short Form.

II. Where any Person shall apply to the Lord Chancellor by Petition under the Provisions of the said recited Act, in any Case where the Petitioner is or claims to be,

A legal or equitable Mortgagee or Person entitled to a Charge or Incumbrance affecting Property, seeking Foreclosure and Sale, or Sale, or otherwise to enforce his Security:

A Person entitled to a Rentcharge, and seeking to have the Arrears thereof paid by the Appointment of a Receiver, or by the Sale of the Lands on which the Rentcharge is charged:

A Person entitled to redeem any legal or equitable Mortgage or any Lien seeking to redeem same:

A Creditor upon the Estate of a deceased Person seeking Payment of his Debt out of the Deceased's Real and Personal Assets:

A Legatee upon the Estate of a deceased Person seeking Payment of his Legacy out of the Deceased's Real and Personal Assets:

A Creditor upon the Estate of a deceased Person seeking Payment of his Debt out of the Deceased's Personal Assets:

A Legatee under the Will of any deceased Person seeking Payment or Delivery of his Legacy out of the Deceased's Personal Assets:

A Residuary Legatee, or One of the Residuary Legatees, of any deceased Person seeking an Account of the Residue and Payment or Appropriation of his Share therein:

The Person or any of the Persons entitled to the Personal Estate of any Person who may have died intestate, and seeking an Account of such Personal Estate and Payment of his Share thereof:

An Executor or Administrator of any deceased Person seeking to have the Personal Estate of such deceased Person administered under the Directions of the Court:

A Person entitled to the specific Performance of an Agreement for the Sale or Purchase of any Property seeking such specific Performance:

A Person entitled to an Account of the Dealings and Transactions of a Partnership dissolved or expired seeking such Account:

A Person entitled to an equitable Estate or Interest and seeking to use the Name of his Trustee in prosecuting an Action for his own sole Benefit:

The Petition in the said several Cases shall be in the Form and to the Effect set forth in Schedule A. hereunto annexed, as applicable to the particular Case, or as near thereto as Circumstances may permit; but if any of the Cases herein-before enumerated involve or are attended by such special Circumstances affecting either the Estate or the personal Conduct of the Respondent as to require special Relief, or if it be necessary that other Matters should be stated and put in Issue in addition to those contained in the said Forms respectively, the Petitioner shall be at liberty to frame his Petition accordingly

III. If a Petition for any of the Purposes to which the Forms set forth in Schedule A. are applicable shall be framed otherwise than in accordance with the Form applicable thereto, and it shall appear to the

the Court on the Hearing of such Petition that the Petition should have been framed to the Effect of the Form in said Schedule applicable to the Case, the Court may order that the increased Costs occasioned by such Proceeding beyond the Amount of Costs which would have been sustained in proceeding according to the said Forms shall be borne and paid by the Petitioner.

Petitions and Affidavits to be drawn as concisely as is possible, and all Petitions shall be signed by Counsel.

IV. Every Petition herein-before enumerated, which shall not be in the Form or to the Effect set forth in Schedule A., as applicable to the particular Case, and also all other Petitions and all Affidavits filed under said Act, shall be drawn without Repetitions, Impertinence, Prolixity, or Scandal; and such Parts of Records, Deeds, and Documents as shall be pertinent and material shall be alone set out therein; and such Parts so set out, as well as all other Matters contained in any Petition or Affidavit, shall be abstracted and stated as concisely as possible, consistently with a clear Statement of the Facts; and every Petition filed under the said Act shall be signed by Counsel; and if the Court shall, on the Hearing of the Petition, be of opinion that any Petition or Affidavit is prolix or scandalous, the Court may make such Order in respect to the Costs occasioned by such Prolixty or Scandal as to the Court shall seem fit.

Statements in Petitions and Interrogatories to be decided into short and separate Paragraphs, and numbered consecutively.

V. The Statements in all Petitions under the said Act shall be divided into short and separate Paragraphs as conveniently as may be, which shall be numbered consecutively 1, 2, 3, &c.; and the Interrogatories, if any, which shall be annexed to the Petition or filed shall also be divided in like Manner and numbered consecutively, beginning from the last Number of the Paragraphs in the Statement; and such of the Interrogatories, if any, as each Respondent is required to answer shall be specified in a Note at Foot of the Interrogatories or Petition, in the Form or to the Effect following; that is to say, "the Respondent C. D. is required to answer the Interrogatories numbered respectively 11, 12, 13, &c. (or as the Case may be); and the Respondent E. F. is required to answer the Interrogatories numbered respectively 14, 15, &c. (or as the Case may be.)"

Respondent not to take Objection for Want of Parties in any Case to which Rules herein set forth shall extend.

15 & 16 Vict. c. 86. s. 42.

VI. It shall not be competent to any Respondent in any Suit in the said Court to take any Objection for Want of Parties to such Suit in any Case to which the Rules next herein-after set forth extend; and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled:

Rule 1. Any Residuary Legatee or next of Kin may, without serving the remaining Residuary Legatees or next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person.

Rule 2. Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person.

Rule 3. Any Residuary Devisee or Heir may, without serving any Co-residuary Devisee or Co-heir, have the like Decree.

Rule 4. Any one of several Cestuisque Trust under any Deed or Instrument may, without serving any other Cestuisque Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument.

Rule 5. In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest.

Rule 6. Any Executor, Administrator, or Trustee may obtain a Decree against any one Legatee, next of Kin, or Cestuique Trust for the Administration of the Estate or the Execution of the Trusts.

Rule 7. In all the above Cases, the Court, if it shall see fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just for placing the Respondent on the Record on the same Footing in regard to Costs as other Parties having a common Interest with him in the Matters in question.

Rule 8. In all the above Cases, the Persons who according to the present Practice of the Court would be necessary Parties to the Suit shall be served with Notice of the Decree, and after such Notice they shall be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may, by an Order of Course, have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Lord Chancellor, apply to the Court to add to the Decree.

Rule 9. In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors

Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trusts Parties to the Suit; but the Court may, upon Consideration of the Matter on the Hearing, if it shall so think fit, order such Persons, or any of them, to be made Parties.

Court may proceed in any Suit, and without Representative of deceased Person, or may appoint one. 15 & 16 Vict. c. 86. s. 44.

VII. If in any Suit or other Proceeding before the Court it shall appear that any deceased Person who was interested in the Matters in question has no legal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially or generally by public Advertisement; and the Order so made by the Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in the same Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal Representative had been a Party to the Suit or Proceeding, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Costs of Motion to annex or file Interrogatories under Eighth Section of Act, and Proceedings thereupon.

VIII. If a Motion shall be made under the Eighth Section of the said recited Act for Liberty to annex Interrogatories to any Petition presented under said Act, or to any Affidavit filed by way of Answer to such Petition, or to file Interrogatories to be answered by the Petitioner or Respondent respectively, and the Court shall make an Order giving Liberty to annex or file same, the Court may by such Order direct that the Consideration of the Costs of the said Motion and Order, and of such Interrogatories and the Proceedings thereon, and of the Liability of the Petitioner to pay the additional Costs occasioned by such Interrogatories, shall stand over until the Hearing of the said Petition.

Parties to be made Respondents and served where a Petition prays for the Sale of Land.

IX. In all Cases in which the Petition prays for the Foreclosure and Sale, or for the Sale of Land for the Payment of Incumbrances, it shall not be necessary for the Petitioner to make any Person Respondent in the said Petition save the Owner of the Land, and where such Petition seeks an Account of Personal Estate the Person representing such Personal Estate; and it shall not be necessary to serve any other Person with Notice of such Petition, unless the Court shall otherwise direct; and if the Petitioner shall make any other Person a Respondent, the Costs occasioned thereby, and the Costs of all

all Proceedings consequential thereon shall be paid by the Petitioner, unless the Court shall otherwise direct.

Definition of the Term "the Owner of the Land." 12th General Order of 31st July 1851 (Irish).

X. The Term "the Owner of the Land," as herein-before used, shall mean any Person, save as herein-after mentioned, who by the Rules and Practice of Courts of Equity in Ireland is a necessary Party to a Suit for the Foreclosure and Sale, or for the Sale of Lands for the Payment of Incumbrances: Provided always, that no Incumbrancer, whether by Mortgage or otherwise, or any Person in whom any Estate shall be vested solely as a Trustee for such Incumbrancer, shall be deemed to be "the Owner of the Land" as aforesaid, unless such Incumbrancer shall be in the actual Possession or Receipt of the Rents and Profits of said Lands otherwise than by a Receiver or Sequestrator appointed by the Court.

Petition to be verified by Petitioner, unless in certain Cases.

XI. Petitions under said Act shall be verified by the Affidavit of the Petitioner, unless as herein-after mentioned.

Petitions by Attorney or Solicitor General need not be verified unless as herein stated.

XII. Petitions under said Act filed by the Attorney or Solicitor General in his official Character, and where there shall be no Relator, need not be verified, but where there shall be a Relator, the Petition may be verified by the Affidavit of such Relator.

Petitions by Persons of unsound Mind, and Corporations, how verified.

XIII. Petitions under said Act filed in the Name of a Person found to be of unsound Mind may be verified by the Affidavit of the Committee of such Person, when filed by a Corporation by the Affidavit of any Officer of said Corporation.

Short Form of Affidavit, when to be adopted.

XIV. Every Petition to be presented under the said Act, save as next herein-after mentioned, may be verified by Affidavit annexed thereto or subscribed at Foot thereof, to the Effect set out in the Schedule annexed to the said Act, and no Costs of any further or additional Affidavit in Verification in the first instance shall be allowed, except in Injunction Petitions, unless specially allowed by the Court.

Mode of Verification, where Petitioners are unable to do so.

XV. Where the Petitioner or other Person herein-before authorized to verify the Petition is unable, by reason of Absence from the United Kingdom, or from being an Infant, or from any other Cause, to verify the same, any Person acquainted with the Facts shall be at liberty to make the Affidavit to verify; but such Affidavit shall not be in the short Form set forth in the Schedule to the Act, and the Party making such Affidavit shall state the Reason why it is not verified in the Manner directed by the preceding Orders; and the written Authority of the Petitioner or other Person who shall have directed

directed the Solicitor to present such Petition shall be also verified; and if the Court shall be of opinion, on the Hearing of the Petition, that the Petition should not have been verified in the Manner hereinbefore mentioned, the Court may make such Order as to the further Verification of the Petition, and as to the Costs consequent thereon, as to the Court shall seem just.

Only One Motion for Security for Costs.

XVI. In every Case in which there shall be more than One Defendant to a Bill or Respondent to a Petition, and in which an Application shall be made to the Court to oblige the Plaintiff or Petitioner residing out of the Jurisdiction to give Security for Costs; the Judge or Officer who shall fix the Amount of such Security shall estimate a sufficient Sum as such Security for the Costs of all the Defendants or Respondents, unless any Party shall forego his Right to such Security, in which Case an adequate Sum shall be fixed as Security for the Costs of the remaining Parties, and no further Application for such Purpose shall be entertained; and all further Proceedings in such Cause shall be stayed until such Security be given.

Person whose Name is used as next Friend of any Infant, &c. in any Suit, &c. to sign a written Authority. 15 & 16 Vict. c. 89. s. 9.

XVII. Before the Name of any Person shall be used in any Suit or Matter to be instituted in the said Court as next Friend of any Infant, married Woman, or other Party, or as Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Cause Petition.

Every Cause Matter, or Proceeding involving a Reference, shall be set down before a Vice-Chancellor or the Master of the Rolls in the first instance.

XVIII. From and after the Time herein-after appointed for the Commencement of this Act, every Cause, Cause Petition, or Proceeding, whether in Minor or Lunatic Matters, or under any Statute, or otherwise, except Matters in Bankruptcy, which from their Nature would in the ordinary Course of the Court before the passing of this Act have required or involved a Reference to a Master in Ordinary to take an Account or to make any other Investigation, Inquiry, or Report, shall be heard in the first instance, or shall be moved (as the Case may be) before the Master of the Rolls or One of the Vice-Chancellors of the Court; and all such Causes, Matters, or Proceeding shall be so set down before the said Judges respectively in rotation as each Case shall be presented to the Registrar of the Judge in whose Court such Cause, Cause Petition, Matter, or Thing shall have been attached for that Purpose; provided nevertheless, that no Cause or Cause Petition shall be so set down unless Counsel for the Petitioner or other Person so applying shall certify under his Hand that such Cause, Matter, Application, or other Proceeding is of such Nature as aforesaid, and that no such Cause, Matter, Application, or Proceeding shall be heard or set down to be heard by such

Judge if the Lord Chancellor shall direct the same to be heard before himself, whether by a General Order or by special Order in the particular Case obtained upon an Application for that Purpose.

XIX. Every Petition or Motion not being in a Cause or Matter which may have been attached in the Courts of the Master of the Rolls or One of the Vice Chancellors, in manner herein provided, shall be heard before, or an Order made thereon by, the Lord Chancellor, unless otherwise provided by a General Order of the Court, or by the special Direction of the Lord Chancellor in the particular Case.

XX. In all Causes or Cause Petition Matters, which from their Nature are to be heard before the Master of the Rolls or One of the Vice Chancellors as aforesaid, the Clerk of the Appearances shall stamp the Bill or Cause Petitions, as for that Purpose, with the Name of some One of such Judges according to Rotation, as such Bills or Petitions shall be presented to him; and the Solicitor, on filing every such Bill or Petition, shall lodge in the Rolls Office a fair Copy of the same, also stamped by the Clerk of Appearances with the Name of the Judge of the Court to which the same shall be so attached, and such Copy shall be forthwith transmitted from the Rolls Office to the Office of the Registrar of such Judge.

Petitions to be heard before the Lord Chancellor to be marked by the Clerk of Appearances accordingly.

XXI. In all Cases where Petitions are to be heard before the Lord Chancellor, the Clerk of Appearances shall stamp the same accordingly, and shall at the same Time stamp the Name of One of the Judges in rotation to whose Court it shall be attached for Performance of the interlocutory Duties prior to the Hearing, heretofore discharged by a Master in Ordinary, and also in case the Lord Chancellor shall make any Reference at the Hearing thereof.

XXII. All Petitions (not being Cause Petition Matters) which from their Nature are to be moved before the Master of the Rolls or One of the Vice Chancellors as aforesaid, and which according to the present Practice of the Court are presented through the Secretary to the Lord Chancellor or the Secretary to Lunatics, shall be stamped by the Clerk of Appearances with the Name of some One of such Judges, according to Rotation as such Petitions shall be produced to him for that Purpose; and if the Lord Chancellor shall not direct the same to be moved before himself, or shall make a Reference thereon, the Petition shall be forthwith transmitted to the Registrar of the Judge to whose Court such Matter has been attached in manner aforesaid.

Entry of Petition in Rolls Office.

XXIII. Upon the filing of every Petition in the Rolls Office, an Entry shall be made in a Book, to be kept for that Purpose, of the Date

Date of the filing, the Names of the Parties, and of the Council and Solicitor who signed it, the Judge to whose Court the same has been attached, and the Number of Folios contained in it, which Book shall be open to the Inspection of the Public during Office Hours without Fee; and to enable the Officer to make such Entry, the Solicitor who files the Petition shall cause to be endorsed legibly on the Back thereof the Names of the Parties, Petitioner, and Respondents therein, and the Number of Folios contained in such Petition.

Notice of filing Cause Petition to be given in all Cases.

XXIV. Upon the filing of every Cause Petition (whether the same shall fall within the Cases enumerated in the Fifteenth Section of the said recited Act or not) a Notice shall be served upon all the Respondents thereto, in the Form as herein-after next is provided, and all the Respondents who shall be so served with such Notice shall be bound by the Proceedings in such Case from the Time of such Service, and any Respondent who shall have been served with such Notice, and shall not enter or cause to be entered an Appearance according to the usual Practice of the Court, shall not be entitled to any further Notice of the Proceedings in such Cause Petition Matter until an Appearance shall be entered in manner herein-before mentioned, and any such Respondent shall be at liberty to enter an Appearance at any Stage of the Proceedings without any Rule or Order for that Purpose, and thereupon, and after Service of Notice of such Appearance, the Party entering such Appearance shall be entitled to be served with Notice of all Proceedings in the Petition Matter which may be taken subsequent to entering such Appearance without Prejudice to any Proceeding prior thereto.

Form of Notice of moving a Petition under the Act.

XXV. The Notice of filing a Petition under the said Act shall be in the Form and to the Effect in that Behalf set forth in Schedule B. hereunto annexed, with such Variations as Circumstances may require; but the Court shall not be bound to set aside or stay the Proceedings in consequence of any Inaccuracy in the Notice, unless the Court shall consider that the Respondent was misled thereby, and unless the Court shall so think fit.

Service of Respondent out of the Jurisdiction.

XXVI. Where a Respondent in any Suit is out of the Jurisdiction of the Court,

1. The Court, upon Application, supported by such Evidence as shall satisfy the Court in what Place or Country such Respondent is or may probably be found, may order that the Notice of moving the Cause Petition may be served on such Respondent in such Place or Country, or within such Limits as the Court thinks fit to direct:

2. Such Order is to limit a Time (depending on the Place or Country within which the Notice is to be served) after Service of the Notice, within which such Respondent is to file his Affidavit by way of Answer to the Petition:

3. At the Time when such Notice shall be served the Petitioner shall also cause such Respondent to be served with a Copy of the Order giving the Petitioner Liberty to serve the Notice, and if the Respondent shall reside out of the United Kingdom, the Petitioner shall also cause a Copy of the Petition to be served on the Respondent.

Notice of filing Cause Petitions, how to be entered.

XXVII. That when a Respondent shall be served with Notice of filing a Petition, the Petitioner shall cause an Affidavit of the Service thereof to be filed in the proper Office of this Court; and the Clerk of the Appearances, on Production of an attested Copy of such Affidavit, shall permit the Petitioner's Solicitor to enter in a Book, to be kept in the Office of the Clerk of the Appearances for that Purpose, a Memorandum of such Service, and of the Time when such Service was made, which Memorandum shall be in the following Form:

A. B., Petitioner; C. D., Respondent; and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Memorandum that the Respondent C. D. was on the . . . . . Day of . . . . . 185 . . duly served with Notice pursuant to the Nineteenth (or Twentieth, as the Case may be,) General Order of the Court, as appears by the Affidavit of . . . . . filed the . . . . . Day of . . . . . 185 .

Dated this . . . . . Day of . . . . . 185 .

E. F., Solicitor for Petitioner.
(Residence.)

Course of Proceeding on Cause Petitions, where Notice of moving same shall be served.

XXVIII. Every Respondent shall be at liberty to file an Affidavit by way of Answer to such Petition within the Periods following, that is to say, within (Twenty) Days after the Service of Notice of the Petition, if served with Notice in Ireland, and if the Respondent is resident out of Ireland, within such Time after the Service of Notice of the Petition as the Court shall, in the Order made under the Twenty-first Section of this Act, direct, and if no Affidavit by way of Answer shall be filed within the said Periods respectively, or in case of Interrogatories being filed or annexed to the Petition within such Period as shall be stated in the Order of the Court, made as herein-before mentioned, the Petitioner shall be at liberty, at the Expiration of the said Periods respectively, or if there are several Respondents, at the Expiration of the Period within which the Affidavits by way of Answer of all the Respondents should be filed, to set down the said Petition to be heard, and upon such Hearing the Affidavit to verify shall

shall be considered sufficient Evidence of the several Matters of Fact and Documents in the Petition stated or referred to, unless the Court shall otherwise direct, and the Respondent shall not be at liberty to file an Affidavit after the Petition shall be set down to be heard without the Leave of the Court upon special Motion: Provided always, that if the Petition shall be amended in pursuance of the Fiftieth Section of this Act, the Petition shall not be set down until the additional Time, if any, allowed to the Respondent to file his Affidavit by way of Answer to the Petition so amended, shall have expired.

The Court to direct the Time within which Interrogatories shall be answered.

XXIX. If a Motion shall be made under the Eighth Section of the said Act, for Liberty to annex Interrogatories to any Petition presented under the said Act, or to any Affidavit filed by way of Answer thereto, or to file Interrogatories to be answered by the Petitioner or Respondent respectively, and the Court shall make an Order giving Liberty to annex or file the same, the Court shall, by such Order, direct the Time within which such Interrogatories shall be answered; and if such Interrogatories are to be answered by the Respondent, and an Order shall be made giving Liberty to annex or file the same before the Respondent shall have filed his Affidavit by way of Answer, the said Respondent shall answer such Interrogatories in the said Affidavit so to be filed by way of Answer in the Manner directed in Schedule C. hereunto annexed.

Form of Affidavit filed by the Respondent by way of Answer.

XXX. The Affidavit filed by the Respondent by way of Answer to the Petition shall be prepared according to the Directions contained in Schedule C. hereunto annexed, and shall be signed by Counsel, and the several Matters of Fact and Documents stated and referred to in the Petition which the Respondent shall not by his said Affidavit require the Petitioner to prove, shall be taken to be admitted by the Respondent, and Notice of the filing of such Affidavit shall be given to the Petitioner without delay; and when the Respondent shall require to have such Proof of the Petition, or any Part thereof, made vivâ voce, he shall add a Requisition to that Effect, and if the Respondent shall only require a Portion of such Proof to be made vivâ voce, he shall specify such Part in such Requisition, which Portions shall be shortly referred to by the Numbers of the Paragraphs in such Petition.

Costs of improper Defence.

XXXI. If in any of the Cases herein-before enumerated a Respondent shall file an Affidavit by way of Answer, and the Court shall, upon the Hearing of the Petition, consider that such Respondent had not any probable Ground of Defence, or that the Respondent put the Petitioner on Proof of any Matter or Document which ought not to have been disputed; or if the Court shall consider that the Affidavit

by way of Answer was filed for the Purpose of Delay, in the said several Cases the Court may make an Order at the First or other Hearing of the Petition, declaring such Respondent or his Solicitor liable to pay all or such Part of the Costs incurred up to and including such Hearing as the Court may think just; and the Court shall be at liberty to make such Order although the Respondent may be a Trustee or Personal Representative, or a Party to whom Costs are usually awarded.

Petitioner shall lodge with his Solicitor all Deeds, &c., and Respondent entitled to inspect same, and to move for Copies thereof.

XXXII. The Petitioner shall, at or before the Time of filing his Cause Petition, lodge with his Solicitor all Deeds, Documents, and Papers stated or referred to in his Petition, or the Schedules thereto, which shall be in his Power, Custody, or Possession, and the Respondent shall be at liberty, at all reasonable Times and without any Order of the Court, to inspect such Deeds, Documents, and Papers so lodged with the Petitioner's Solicitor, and to take Extracts therefrom; and the Respondent shall be at liberty, without filing a Cross Petition, to move that the Petitioner shall furnish the Respondent with Copies of all or any of the said Deeds, Documents, or Papers, upon Payment to the Petitioner's Solicitor therefor, at the Rate of *One Penny Halfpenny* for each Office Sheet of the Copies so required, and the Court shall thereupon make such Order as shall appear to the Court to be just.

Hearing of Cause when Facts not disputed.

XXXIII. If the Affidavit filed by way of Answer by the Respondent does not put the Petitioner upon Proof of any Matter of Fact or Document stated or referred to in the Petition or the Schedule thereto, and if the Petitioner does not dispute any Matter of Fact or Document stated or referred to in such Affidavit or the Schedule thereto, the Petitioner may, when the Period within which all the Respondents should file such Affidavit by way of Answer has elapsed, set down the said Petition for Hearing; and a Respondent who shall not have filed such Affidavit shall not be at liberty to do so after the Cause shall have been so set down, without the Order of the Court on special Motion.

If any Matter of Fact or Document disputed by Petitioner or Respondent, the Petitioner shall serve Notice in the Form in Schedule D.

XXXIV. If the Affidavit filed by way of Answer by the Respondent shall put the Petitioner upon Proof of any Matter of Fact or Document stated or referred to in the Petition or the Schedule thereto, or if the Petitioner shall dispute any Matter of Fact or Document stated or referred to in the Affidavit filed by way of Answer, or the Schedule thereto, the Petitioner shall be at liberty to serve a Notice upon any Respondent who shall have filed such Affidavit in the Form or to the Effect in Schedule D. hereunto annexed; but such Notice, if there shall be more than One Respondent, shall not be served until after

after the Expiration of the Time allowed to the other Respondent or Respondents who shall not file any such Affidavit to file the same, and a Respondent who shall not have filed such Affidavit shall not be at liberty to do so after such Notice shall have been served, unless by Leave of the Court on special Motion, and from and after the Service of such Notice the Cause in which same has been served shall be deemed at issue.

Cause at issue.

XXXV. The several Matters of Fact and Documents stated and referred to in the Affidavit filed by the Respondent by way of Answer, which the Petitioner shall not by such Notice require the Respondent to prove, shall be taken to be admitted by the Petitioner.

The several Matters of Fact and Documents stated in the Affidavit by way of Answer, if not disputed, shall be taken to be admitted.

XXXVI. If the Respondent shall put the Petitioner, or the Petitioner put the Respondent, on Proof of any Matter of Fact or Document, and the Court shall at the Hearing of the Petition consider that any Matter of Fact or Document upon Proof of which the Petitioner or Respondent respectively shall have been put, ought not to have been disputed, the Court may make such Order in relation to the Costs of such Proof as to the Court may seen just.

Costs of Proof of Matters unnecessarily contested.

XXXVII. When a Petitioner shall serve a Respondent with such Notice as last aforesaid he shall cause an Affidavit of the Service thereof to be filed in the proper Office of the Court, and the Deputy Keeper of the Rolls on Production of an attested Copy of such Affidavit shall permit the Petitioner's Solicitor to enter in a Book to be kept for that Purpose a Memorandum of such Service, and of the Time when such Service was made, which Memorandum shall be in the following Form:

Notice, how to be entered on Record.

A. B.
Petitioner;
C. D.
Respondent;
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Memorandum that the Respondent, C.D., was on Day of 185 , duly served with a Notice as appears by the Affidavit of filed the Day of 185 , and which Notice is as follows:

(Set out the Notice.)

Dated this Day of 185 .

E. F. Solicitor for Petitioner.
(Residence.)

XXXVIII. Every Party to the Cause who shall have been put upon Proof of Facts or Documents as aforesaid by such Notice shall be at liberty at his Election to prove such Facts or Documents by Affidavit or vivâ voce, or partly by Affidavit and partly vivâ voce, unless

Election of Mode of Proof in certain Cases.

unless the Party so putting him or her upon such Proof shall require him or her to make such Proof or any Part thereof vivâ voce under the Provisions of this Act.

Present Mode of Examination, so far as it is inconsistent with this Act, abolished. 15 & 16 Vict. c. 86. s. 28.

XXXIX. The Mode of examining Witnesses in Causes or Cause Petition Matters in the said Court, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished, save as herein-after otherwise specially provided, and all such Witnesses shall be examined orally in manner herein-after provided; Provided always, that the Court may, if it shall think fit, order any particular Witness or Witnesses within the Jurisdiction of the said Court, or any Witness or Witnesses out of the Jurisdiction of the said Court, to be examined upon Interrogatories in the Mode now practised in the said Court, and that with respect to such Witness or Witnesses the Practice of the said Court in relation to the Examination of Witnesses shall continue in full Force, save only so far as the same are varied by the Provisions of this Act, or as same may be varied by any General Order of the Lord Chancellor in that Behalf, or by any Order of the Court with reference to any particular Case.

Examination de bene esse, and in Suits to perpetuate Testimony.

XL. The Examination of Witnesses de bene esse, and in Suits to perpetuate Testimony, shall be conducted orally in manner herein provided instead of upon Interrogatories, unless the Court shall otherwise order.

Oral Examination of Witnesses. 15 & 16 Vict. c. 86. s. 31.

XLI. All Witnesses to be examined orally under the Provisions of this Act shall be so examined before One of the Examiners of the Court, or by or before an Examiner to be specially appointed by the Court, the Examiner being furnished by the Plaintiff or Petitioner with a Copy of the Bill or Petition and of the Answers or answering Affidavit or Affidavits, if any, in the Cause; and every such Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and the Witnesses so examined orally shall be subject to Cross-examination and Re-examination, and such Examination, Cross-examination, and Re-examination, shall be conducted as nearly as may be in the Mode now in use in Courts of Common Law in relation to Witnesses not expected to be present at the Trial of a Cause, and every Party to the Suit may have a Copy thereof, or any Part thereof, in like Manner as Examinations upon Interrogatories.

Commissions for the Examination of Witnesses abolished.

XLII. The Practice of the said Court of issuing Commissions to special Examiners for the Examination of Witnesses in Causes and Matters

Matters depending in the said Court be and the same is hereby abolished, and in lieu thereof, whenever it shall be necessary to appoint a Special Examiner for the Purpose of examining Witnesses, either in chief or in aid of any Inquiry in any Cause or Matter, the Judge before whom such Cause or Matter shall be pending, or to whose Court the Cause or Matter shall be attached, shall appoint such Examiner according to the present Practice of the Court relating to the Appointment of Commissioner Examiners, so far as such Practice is applicable thereto; but such Appointment is to be made by the Order of such Judge, and such Order is to state the Rate of Payment to such Examiner and the Time within which the Examination is to be closed, whenever he shall deem it necessary or expedient so to do; and every such Examiner when so appointed, and on taking the Oath herein-after mentioned, is to have full Power and Authority, subject to the present Rules and Practice in that Behalf, to summon for Examination and to examine all Witnesses produced before him for Examination in such Cause or Matter, and to call for Documents and to administer Oaths; and all Persons examined before such Examiner so appointed as before mentioned shall be subject and liable to all such Penalties, Punishment, and Consequences for any wilful and corrupt false swearing, affirming, or declaring as if such Witnesses had been examined under the Authority of a Commission issued forth of the same Court and under the Seal thereof.

Examination of Witnesses.

XLIII. Before proceeding to examine Witnesses, the Examiner so appointed is to take and subscribe, before some Person duly authorized to take Affidavits in or for the said Court, the following Oath, which shall be annexed to and returned with the Depositions taken by such Examiner, that is to say,

Oath of Examiner.

'I A. B. do swear that I will, according to the best of my Skill and Knowledge, truly and faithfully perform the Duty of an Examiner to examine Witnesses pursuant to the Powers vested in me by the annexed Order of Appointment, and that I will truly, faithfully, and without Partiality to any or either of the Parties in this Cause, take and write down the Examinations and Depositions of all and every Witness and Witnesses who shall be produced before and examined by me; and further, that I will fairly and truly enter and set down in Writing in the Dominical of such Examination, the Hours of the Day on each Day that I shall be employed as such Examiner, at which I shall respectively commence and conclude the Examination of the Witnesses under such Order, as also the real and true Cause or Causes of my not commencing such Examination at or before Eleven of the Clock in the Forenoon, if such should be the Case; as also of my not continuing such

'Examination until Four o'Clock in the Afternoon, if such should be 'the Case; as also by whose Delay or Default, so far as I can judge, 'such Examination was not commenced and continued (as the Case 'may be) from Eleven o'Clock in the Forenoon till Four o'Clock in 'the Afternoon.

'So help me GOD.'

Depositions taken by Special Examiner, how to be returned.

XLIV. When the Examination shall be closed, the Depositions shall be made up by the Examiner and forwarded with the said Affidavit by Post or by Hand, under the Seal of the said Examiner, to the Office of the Examiner of the same Court, where they are thenceforward to remain of Record, and all Parties requiring them shall be entitled to Copies thereof upon Payment of the legal Fees for same.

Examination of Witnesses in England and Scotland, how to be conducted.

XLV. When an Examination of Witnesses is to take Place in England or in Scotland, such Examination shall take Place and be conducted in the Manner pointed out in the Thirty-Ninth Section of this Act by the Master Extraordinary as at present, and the Depositions of the Witnesses shall be returned by Post or by Hand according to the present Course of Practice.

Affidavits and Pleadings in Chancery, how to be taken in Foreign Parts.
15 & 16 Vict. c. 86. s. 22.

XLVI. All Pleas, Answers, Disclaimers, Examinations, Affidavits, Declarations, Affirmations, and Attestations of Honour in Causes or Matters depending in the High Court of Chancery in Ireland, and also Acknowledgements required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken, in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Colony, Island, Plantation, or Place, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions, and the Judges and Officers of the said Court of Chancery shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice Consul, attached, appended, or subscribed to any such Pleas, Answers, Disclaimers, Examinations, Affidavits, Affirmations, Attestations of Honour, Declarations, Ackowledgments, or other Documents to be used in the said Court.

Penalty for falsely swearing, &c.
15 & 16 Vict. c. 86. s. 23.

XLVII. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein as if the Matter sworn, declared, affirmed, or attested had

had been sworn, declared, affirmed, or attested before any Court or Persons now by Law authorized to administer Oaths, and take Declarations, Affirmations, or Attestations upon Honour.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act. 15 & 16 Vict. c. 86. s. 24.

XLVIII. If any Person shall forge the Signature or the Official Seal of any such Judge, Notary Public, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Plea, Answer, Disclaimer Examination, Affidavit, or other judicial or official Document, with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, or other Person authorized as aforesaid attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act "to facilitate the Admission in Evidence of certain official and other "Documents."

Subpœna ad testificandum and Subpœna duces tecum abolished.

XLIX. The Practice of the said Court of issuing Subpœnas ad testificandum and Subpœnas duces tecum to compel the Attendance of Witnesses or the Production of Documents shall be and the same is hereby abolished; and in lieu thereof, when the Attendance of any Person is required as a Witness, or to produce Deeds, Records, or other Documents, a Summons, signed by the Examiner of the Court when the Examination is to take place in Dublin, or by a special Examiner appointed as before mentioned when the Examination is to take place out of Dublin, and when requiring the Production of Documents stating the Documents required, shall be duly served on such Person in the Manner in which Subpœnas are now served, and such Notice shall have the Effect of a Subpœna ad testificandum or Subpœna duces tecum; and all Persons who shall be duly served, and shall not attend pursuant to such Notice, shall be subject to the same Penalties, Punishment, and Consequences as if they had been served with a Subpœna ad testificandum or a Subpœna duces tecum.

Summons to compel the Attendance of Witness or Party to be signed by the Judge's Registrar.

L. The Summons to compel the Attendance of any Party or Witness to be examined orally before the Court or any Judge thereof at any Hearing shall be signed by the Registrar of the Court if the Attendance is to be before the Lord Chancellor, and if the Attendance is to be before any of the other Judges of said Court the Notice shall be signed by the Registrar of such Judge.

When vivâ voce Examination required, the

LI. That whenever a vivâ voce Examination shall be required, the Petitioner shall be at liberty, after the Expiration of One Fortnight from

Time within which Notice to be served.

from the Cause being put at issue as aforesaid, and the Respondent shall be at liberty, after the Expiration of Three Weeks from such Cause being so put at issue, to serve Notice of Examination of Witnesses before the Examiner, naming some Day for the Commencement of same, not earlier than One Fortnight or later than Three Weeks from the Service of such Notice: Provided, however, that the Respondent shall not be at liberty to serve such Notice if the Petitioner shall have previously served a like Notice; and the Examiner shall commence such Examination on the Day so named, if required so to do, or so soon thereafter as the general State of Business before him may admit, and, having so commenced such Examination, proceed with same without Intermission, during the usual Office Hours, until the Examination of all the Witnesses for Petitioner and Respondent be completed, and shall grant a Certificate that such Examination has been completed, or that no Witnesses had been tendered for Examination when so required by any of the Parties to the said Cause: provided, nevertheless, that the Court may make such special Order for having such Evidence or any Part thereof taken vivâ voce, or otherwise as to the Time or Mode of taking such Examination or for re-opening such Examination.

Depositions to be taken down in Writing, and read over to the Witness, who shall sign the same in Presence of the Parties; but if he refuse to sign, Examiner may, and state any special Matter he may think fit. 15 & 16 Vict. c. 86. s. 32.

LII. The Depositions taken upon any such oral Examination as aforesaid shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him in the Presence of the Parties or such of them as may think fit to attend: Provided always, that in case the Witness shall refuse to sign the said Depositions, then the Examiner shall sign the same, and such Examiner may, upon all Examinations, state any special Matter to the Court as he shall think fit: Provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions, but he shall not have Power to decide on the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just.

If Parties refuse to be sworn or to answer any lawful Questions, the

LIII. If any Person produced before any such Examiner as a Witness shall refuse to be sworn, or to answer any lawful Question put to him by the Examiner, or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted

adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the said Court upon written Interrogatories, and refusing to be sworn or to answer some lawful Question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him, the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner, and transmitted by him to the Record Office of the said Court, to be there filed; and the Validity of such Demurrer or Objection shall be decided by the Court, and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

same Course to be pursued as is now adopted.

Proviso as to Witness demurring to Questions.

15 & 16 Vict. c. 86. s. 33.

LIV. The Evidence onboth Sides in any Suit in the said Court whether taken orally (and including the Cross-examination and Re-examination of any Witness or Witnesses) or taken upon Affidavit, shall be closed within Nine Weeks after Issue joined therein, but with Power to the Court to enlarge such Period as it may see fit; and after the Time fixed for closing the Evidence, no further Evidence, whether oral or by Affidavit, shall be receivable, without special Leave of the Court previously obtained for that Purpose: Provided always, that any Witness who has made an Affidavit filed by any Party to a Cause shall be subject to oral Cross-examination within One Month after such Period of Nine Weeks, by or before an Examiner, in the same Manner as if the Evidence given by him in his Affidavit had been given by him orally before the Examiner, and after such Cross-examination may be re-examined orally by or on the Part of the Party by whom such Affidavit was filed; but such Re-examination shall immediately follow such Cross-examination, and shall not be delayed to a future Period; and such Witness shall be bound to attend before such Examiner to be so cross-examined and re-examined, upon receiving due and proper Notice, and Payment of his reasonable Expenses, in like Manner as if he had been duly served with a Writ of Subpœna ad testificandum before such Examiner; and the Expenses attending such Cross-examination and Re-examination shall be paid by the Parties respectively, in like Manner as if the Witness so to be cross-examined were the Witness of the Party cross-examining, and shall be deemed Costs in the Cause of such Parties respectively, unless the Court shall think fit otherwise to direct.

Evidence, oral or by Affidavit, on both Sides, to be closed within a certain Time.

15 & 16 Vict. c. 86. s. General Order, English Court of Chancery, 7th Aug. 1852

Witnesses by Affidavit to be subject to oral Cross-examination, and afterwards to Re-examination.

Witnesses bound to attend.

As to Expenses attending Cross-examination, &c.

LV. Any Party desiring to cross-examine a Witness who has made an Affidavit in any Cause intended to be used at the Hearing thereof shall give Forty-eight Hours Notice to the Party on whose Behalf such Affidavit was filed, or to the Party intending to use the same, of the Time and Place of such intended Cross-examination, in

Notice of Cross-examining Witness who has made an Affidavit.

order that such Party may, if he shall think fit, be present at such Cross-examination.

Court may require the Production and oral Examination before itself of any Witness, &c., and determine Payment of the Costs, 15 & 16 Vict c. 86. s. 39.

LVI. Upon the Hearing of any Cause depending in the said Court, whether by Petition or Bill, the Court, if it shall see fit so to do, may require the Production and oral Examination before itself of any Witness or Party in the Cause, and may direct the Costs of and attending the Production and Examination of such Witness or Party to be paid by such of the Parties to the Suit or in such Manner as it may think fit; and the Examination in such Case shall be conducted and the Evidence recorded in like Manner as Examinations are conducted and Evidence as at present recorded in the Bankrupt Court.

Any Party in a Cause may by Notice require Attendance of any Witness before an Examiner. 15 & 16 Vict. c. 86. s. 40.

LVII. Any Party in any Cause or Matter depending in the said Court may, by Notice to be issued by an Examiner of the said Court, or before an Examiner specially appointed for the Purpose, require the Attendance of any Witness before such Examiner, and examine such Witness orally, for the Purpose of using his Evidence upon any Motion, Petition, or other Proceeding before the Court, in like Manner as such Witness would be bound to attend and be examined with a view to the Hearing of a Cause; and any Party, having made an Affidavit to be used or which shall be used on any Motion, Petition, or other Proceeding before the Court, shall be bound, on being served with such Notice, to attend before an Examiner for the Purpose of being cross-examined: Provided always, that the Court shall always have a discretionary Power of acting upon such Evidence as may be before it at the Time, and of making such interim Orders, or otherwise, as may appear necessary to meet the Justice of the Case.

Mode of Examination of Witnesses on Interrogatories.

LVIII. The Examination of Witnesses upon Interrogatories shall be regulated by the present Practice of the Court in relation thereto, save so far as same is varied by this Act.

Petitioner or Respondent may proceed with Examination on Interrogatories.

LIX. The Petitioner or Respondent may, at any Time after Leave of the Court or of the Judge to whose Office the Case has been attached in manner aforesaid obtained for Examination on Interrogatories, and before the passing of Publication, proceed with such Examination.

When Expenses of examining Witnesses vivâ voce shall be disallowed.

LX. The Court, or any of the Judges as aforesaid, shall be at liberty to disallow the Expenses of any Witness or Witnesses examined vivâ voce as to Matters which could have been proved with less Expense and equal Advantage by Affidavit or Examination upon Interrogatories.

LXI. Pub-

Publication to pass in Nine Weeks after Service of Notice in Section .

LXI. Publication shall pass without Rule or Order at the Expiration of Nine Weeks after the Service of the Notice in the Section mentioned, unless such Time shall be enlarged by Order of the Judge to whose Court such Cause or Matter is attached.

No Amendment of Petition except by a special Order.

LXII. A Petition shall not be amended except by a special Order, and in the Manner which may be thereby directed; and if Time is to be allowed to answer such Amendment, the Order shall specify the Time so to be allowed; and no supplemental Petition shall be filed without the Leave of the Court.

No supplemental Petition to be filed without Leave of the Court.

No Second Petition necessary in any Matter.

LXIII. In every Case where the Jurisdiction of the Court in any Matter shall attach upon Petition, it shall not be necessary to present any further Petition after the first, which confers such Jurisdiction, but all Applications in such Matters shall be made upon Notice without Petition.

Setting down Cause Petition under the Section.

LXIV. The Solicitor for the Petitioner, when he shall set down a Cause Petition for Hearing under the Section, shall lodge with the Register of the Judge before whom it is to be heard the Rolls Certificate, and a Docket containing the Names of the Parties to the Cause Petition, and of the Solicitor for any Respondent who shall have entered an Appearance, and the Docket shall state that the Petition is set down under the Section, as the Case may be; and if to be set down under the Section, the Docket shall state the Date of the Service of the Notice of the Petition upon each Respondent, and that the Time for filing the Affidavit by way of Answer, or for answering the Interrogatories (if any) by each Respondent, has expired; and if the Petition is to be set down under the Section, the Docket shall state the Date of the Service of the Notice of the Petition upon each Respondent who shall not have filed an Affidavit by way of Answer, and that the Time for filing the Affidavit by way of Answer, or for answering the Interrogatories (if any) by each such Respondent, has expired; and the Registrar of such Judges as aforesaid shall at all Times set down such Cause Petition without any Order, and according to the Priority that each Docket is lodged with him, and such Petition shall be heard accordingly, unless the Court or Judge shall otherwise direct; and Notice that the Cause has been set down for Hearing shall be served Four Days before the Hearing of said Petition on any Respondent who shall have filed an Affidavit by way of Answer, or shall have entered a special Appearance.

Service of Notice of the setting down the Cause for Hearing.

LXV. In Cases not falling within the Sections, the Solicitor for the Petitioner shall cause the Solicitor for

any Respondent who shall have filed an Affidavit by way of Answer or entered an Appearance, with Notice to the Effect and at the Time herein-after mentioned; and such Notice shall state that the Petition has been set down to be heard, and such Notice shall be served Ten Days before the said Petition shall be heard.

Mode of setting down Cause Petition on Proofs.

LXVI. The Solicitor for the Petitioner, when he shall set down a Cause Petition for Hearing in Cases not within the Sections, shall lodge with the Registrar the Rolls Certificate, and an Office Copy of the Memorandum entered under the Section, and a Docket containing the Name of the Cause Petition, and the Solicitor for any Respondent who shall have filed an Affidavit by way of Answer or entered an Appearance; and the Docket shall state the Date of the Service of Notice of the Petition upon any Respondent who shall not have filed such Affidavit or entered such Appearance, and that the Time for filing the Affidavit by way of Answer, or for answering the Interrogatories, if any, by each such Respondent, has expired; and the Docket shall also state the Date of the Service of the Notice in the Section mentioned, and the Certificate of the Examiner; and the Registrar of the Court or Judge thereupon shall at all Times set down such Cause Petition without any Order, and according to the Priority that each Docket is lodged with him; and any Cause Petition, except Cause Petitions set down under the Sections, which shall be set down after the Second Day of Term, or, where the Notice under the Section shall not have been served, Ten Days before the Second Day of Term, shall not be entitled to be heard in that Term, unless by Order of the Court, but such Cause Petitions shall stand in the List to be heard according to their Priority in the next Term.

Respondent not entitled to Costs of appearing at Hearing, although served with Notice, unless there was reasonable Cause for his so appearing.

LXVII. A Respondent shall not be entitled to the Costs of appearing at the Hearing of a Cause Petition, on the Ground that Notice of such Petition or Notice under the Section may have been served on such Respondent, unless the Court shall consider that there was reasonable Cause for the said Respondent so appearing.

Practice as to Exceptions for Insufficiency of Answer to Interrogatories.

LXVIII. The Practice as to Exceptions for Insufficiency of the Affidavit filed by the Respondent by way of Answer to Interrogatories, whether filed by Petitioner or Respondent in a Matter or Cause, or Answers to Bill or Interrogatories by Plaintiff, Defendant, or other Person or Party, shall be regulated by the Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, and Eightieth of the General Orders of the Twenty-seventh Day of March One thousand eight hundred and forty-three, save

save that the Period of Six Weeks in the Seventy-fifth of the said Orders shall be reduced to Twenty-one Days.

Exceptions not to state Interrogatories at length.

LXIX. Provided always, That Exceptions taken to such Answers or Affidavits as in the last Section mentioned shall not set out the Interrogatories at length which it is alleged are insufficiently answered, but shall only refer to the Numbers annexed to the Interrogatories; and provided also, that the Party or Person answering shall not be at liberty to decline answering any Interrogatories merely because the same relate to or interrogate as to Matters not expressly stated in the Bill or Answer, or in the Petition or the Affidavit filed by way of Answer thereto, as the Case may be; but the Court, at the Hearing of the Petition, may reject the Answer to any Interrogatories which relate to Matter not relevant or in issue, and may make such Order as to the Costs incurred by such irrelevant Interrogatories as to the Court shall seem just.

References for Impertinence or Prolixity abolished.

LXX. All References for Prolixity or Impertinence, except where the Matter shall be scandalous, shall be abolished; but nevertheless the Court, on the Hearing of the Cause or Matter in which such prolix or impertinent Matter may appear to have been put on the Files of the Court, shall have regard to such Prolixity or Impertinence in disposing of the Question of Costs.

Cause Petition not heard within a Year to stand dismissed without Costs, without any Order of the Court, unless Time extended by Order.

LXXI. If at the Expiration of *One Year* after the filing of a Cause Petition the said Petition shall not have been heard by the Court, the same and all the Proceedings thereon shall at the Expiration of such Year, and without any Order of the Court for that Purpose, stand dismissed without Costs for Want of Prosecution, unless upon Application to the Court by Motion before such Period the Court shall think fit to allow the Petitioner further Time to prosecute his said Petition: Provided always, that the Court shall have Authority, on special Motion, in Cases dismissed under this Order, to restore such Cause Petition, and the several Proceedings had thereon, on such Terms as the Court shall consider just.

Respondent at liberty to move to dismiss Petition for Want of Prosecution, after the Expiration of One Month from the Time when the Petitioner might set down the Cause.

LXXII. If the Petitioner shall not proceed with the said Cause Petition, the Respondent shall be at liberty, after the Expiration of *One Month* after the Time when the Petitioner might have served the Notice in the Section mentioned, or might have set down the Cause to be heard under the Provisions contained in this Act, to move, upon Notice, that the said Petition be dismissed with Costs for Want of Prosecution; and the Court shall thereupon dismiss such Petition, unless the Petitioner shall appear upon such Notice, and satisfy the Court that due Diligence has been used by him, or unless the

the Court shall think fit to allow the Petitioner to serve such Notice as in the Section mentioned, or to set down the said Petition for Hearing, or to take such other Proceedings as may be necessary for the Hearing of said Petition without further Delay.

Respondent may set down Cause to be heard, if Petitioner does not, and every Decree in such Case shall operate as a Bar to any Suit for the same Matter.

LXXIII. In every Case where Proofs have been made, any Respondent may, after the Expiration of One Month from the Period when the Petitioner, according to the Practice of the Court, might have set down such Cause for Hearing, if he shall not elect to dismiss the Petition for Want of Prosecution under the Section of this Act, set the same down to be heard, and the same shall be heard accordingly, and every Decree pronounced thereon shall operate as a Bar to any Suit for the same Matter, in like Manner and so far as such Decree would have been if such Cause had been set down for Hearing by the Petitioner.

Court on special Motion to be at liberty to order a Person not a Party to a Petition to bring in Deeds, &c.

LXXIV. The Court may, upon special Motion, order and direct any Person, not being a Party to a Petition under the said Act, to bring into Court for the Purposes of such Matter or Cause any Deeds, Documents, or Papers in his Custody, Power, or Possession, subject to his Lien thereon, if any, or to allow Inspection and Copies or Extracts to be taken of the same, in the like Manner in which if such Person had been named a Respondent in such Matter he might have been ordered to bring the same into Court or to allow Inspection as aforesaid; and if the Court shall be of opinion that the Affidavit made by such Party shall be evasive, or shall omit to answer any material Fact stated in the Affidavit on which the Motion shall be grounded, the Court may reserve the Costs of such Motion, and may permit Interrogatories to be filed for the Examination of such Party; and in case of Exceptions being taken to the Affidavit filed in answer to such Interrogatories, the Practice as to such Exceptions shall be the same as is provided by the Sections: Provided always, that nothing in this Order contained, or the Pendency of the Proceedings thereunder, shall prevent or delay the Petitioner proceeding with the Cause Petition under any other Order of the Court.

Where necessary, Parties not in the first instance served with Notice of the Petition, the Court may at any Stage of the Proceedings direct Service of Notice on such Party.

LXXV. In any Case where a Petition shall be presented under the said Act, the Court may from Time to Time, whether any Order, interlocutory or final, shall have been made upon the said Petition, or any Proceedings taken thereon, direct such further Service of Notice of the said Petition as the Court may think fit, such Notice to be in the Form and to the Effect in that Behalf set forth in Schedule F. hereunto annexed, with such Variations as Circumstances may require; but any Inaccuracy in such Notice shall not invalidate the Proceedings, or render the same void, unless the Court shall otherwise

wise direct; and Service of such Notice being made, the Party so served shall from the Time of such Service become a Party to the said Proceedings as effectually as if he had been named a Respondent in the Petition; and the Court may make an Order that such Party shall be bound by the Proceedings already had, or such other Order as to the Court may seem just.

A Copy of the Order to bind Parties by the Proceedings to be lodged in Rolls Office.

LXXVI. Whenever an Order shall be made for Liberty to serve a Notice whereby it is sought to bind a Person by the Proceedings after the filing of a Petition and without Amendment thereof, the Solicitor shall lodge a certified Copy of such Order with the Deputy Keeper of the Rolls, and until such Copy be so lodged the said Order shall not have any Operation to bind such Person; and the said Officer shall enter the Name of such Person in Pleading Book of the said Office, so as to enable him to give a Certificate of the Names of the Parties to the Suit or bound thereby.

Every Person filing a Claim to be deemed a Party to the Petition, but no Abatement to be caused by Death, &c.

LXXVII. Every Person who shall file a Claim under any Order to be made under the said recited Act or this Act, shall be deemed to be a Party to such Petition as fully and effectually as if he had been made a Respondent thereto and served with Notice of such Petition; but the Death, Marriage, Bankruptcy or Insolvency of such Person or any Change of Interest shall not cause such Petition to become either abated or defective.

Mode of entitling Notices of Motion in any Cause Petition.

LXXVIII. Every Notice of Motion made in the Matter of any Petition presented under the said Act shall in the Title thereof, over the Name of the Parties, Petitioner and Respondent, be further entitled "Cause Petition," and every Order made on such Notice shall be entitled in like Manner.

Cause Petitions, Affidavits by way of Answer, Interrogatories, and Answers to Interrogatories to be filed in Rolls Office; all other Affidavits to be filed in Office of Clerk of Affidavits.

LXXIX. All Cause Petitions and all Affidavits of the Respondent filed by way of Answer, and Interrogatories and Answers to Interrogatories in the Matter of any such Petition, shall be filed in the Office of the Deputy Keeper of the Rolls in Ireland, as directed by the Tenth Section of the said recited Act; and all other Affidavits shall be filed in the Office of the Clerk of Affidavits according to the present Course of the Court.

Side-bar Rules.

LXXX. The several Side-bar Rules set forth in the Appendix to the General Orders of the Twenty-seventh of March One thousand eight hundred and forty-three shall and may be adopted in proceeding under the said recited Act, so far as same are applicable to the Proceedings thereunder and consistent with this Act, and the Registrar of the Court of Chancery shall be at liberty to render such Side-bar

Orders applicable to Proceedings under the said recited Act, by inserting the Word "Petition" instead of "Bill," "Petitioner" instead of "Plaintiff," "Respondent" instead of "Defendant" in such Side-bar Orders, and to make such other clerical Amendments as may be necessary in entering such Side-bar Orders; and the Registrar shall be at liberty to apply to the Court in any Case of Difficulty which may arise.

Court shall have Power to enlarge Time, and make Amendments in any Proceeding.

LXXXI. The Court may, in its Discretion, allow any Proceeding to be taken or Act done, although the Period limited by this Act or any General Order of the Court for taking such Proceeding or doing such Act may have elapsed, or the Court may enlarge such Time, and the Court may supply an Omission in any Proceeding; and whenever any Proceeding fails to conform in any respect to this Act or to any General Orders or to the said recited Act, the Court shall have Power to permit an Amendment of the Proceeding.

References and Reports no longer to be made.

LXXXII. From and after the Commencement of this Act no Reference shall be made, except by the Lord Chancellor, in any Cause, Matter, or Proceeding which are or shall be hereafter depending in the Court of Chancery as a Court of Equity, or which have been or shall be submitted to the Jurisdiction of the said Court in relation to Infants or Lunatics, or by the Authority of any Act (except the Acts relating to Bankruptcy) where from the Nature of the Case he shall deem it expedient to make same, and no Report shall be made in any such Cause, Matter, or Proceeding by the Master of the Rolls, or any of the Vice Chancellors in any Cause or Matter, whether the same shall have been originally heard by any of such Judges, or by the Lord Chancellor himself; but the said Master of the Rolls and the several Vice Chancellors, as well in respect of Causes and Matters now pending, as those which shall hereafter be heard by any of them, or referred to them by the Lord Chancellor, shall make all necessary Decrees and Orders, such as have been heretofore made by the Lord Chancellor, Master of the Rolls, or Masters of the Court, and shall conduct all Inquiries incident to such Causes and Matters as have been heretofore conducted by the said Masters, and shall make such Decrees or Orders on the Result of such Inquiries, without any Report, as the Lord Chancellor or the Master of the Rolls could have heretofore made on Reports submitted to them.

Proceedings at Hearing of Cause.

LXXXIII. The Petitioners and Respondents in any Cause or Matter to be heard before the Master of the Rolls or any of the Vice Chancellors shall, upon the Hearing thereof, be prepared to proceed forthwith to enter upon any Inquiry which may be necessary to enable the Court to make a final Adjudication of such Cause without Delay,

Delay, and the Judge before whom such Cause or Matter shall be heard shall proceed to make such final Adjudication at such original Hearing, unless he shall consider that the Case ought to stand for the Parties to make Proofs, or for publishing Advertisements, or for the First Clerk to examine the Detail of any Account incident to such Cause or Matter in manner herein-after provided, or unless such Judge shall consider that such Cause or Matter ought for any other just or reasonable Cause to stand over; provided, that notwithstanding such Cause or Matter shall be so directed to stand over, the said Judge shall have full Power, by interlocutory Order or Decree, to decide any Question or Questions which may have arisen, between the Parties, and give such incidental or supplemental Directions as he may deem right and expedient.

Further Hearings.

LXXXIV. The Judge before whom such Cause or Matter shall be pending as aforesaid, if he shall direct the same to stand over for any Reason, save for taking an Account, he shall name a Day upon which such Cause or Matter shall be ready for further Hearing, in the Order as of which Day same shall accordingly be placed in a List of Cases for further Hearings, to be kept for that Purpose, and the same shall accordingly be called on in such Order without any Summons or Notice to any of the Parties for that Purpose, and the Judge before whom such Cause or Matter may be so pending shall be at liberty, in the Absence of the Parties or any of them, to make such Order as he may think right and necessary for finally disposing of the same or any Part of the same, or make such other Order as may to him seem just and the Nature of the Cause or Matter may require: Provided always, that nothing herein contained shall preclude such Judge from then, or previously on Motion, making such Order for varying the Day so named, and directing such Cause or Matter to take its Place in the said List of further Hearings accordingly.

Making Proofs and further Proofs subsequent to Hearing.

The Court to direct the Mode of Proof and limit the Time.

LXXXV. Whenever such Judge shall, at the Hearing of any such Cause or Matter, deem it necessary and proper to direct or allow the Parties, or any of them, to make any Proofs or further Proofs, he shall do so accordingly, and declare the Mode in which such Proofs shall be made, whether in part or wholly by Affidavit or Examination vivâ voce, or on Interrogatories, and also the Time within which such Affidavits shall be made, or such Examination be closed, or Publication passed, and such Examination, whether the same be on Interrogatories or vivâ voce, shall be conducted by such Examiners as herein-before referred to, and shall be conducted in the Manner herein-before directed in relation to Examinations in chief: Provided nevertheless that such Judge, if he shall see fit, may require that any Witness shall be examined vivâ voce before himself, in which Case

the Examination shall be conducted and the Evidence of such Witness recorded in like Manner as Examinations are conducted and Evidence is at present recorded in the Bankrupt Court.

Accounts taken before Chief Clerk.

LXXXVI. If upon the Hearing of any Cause or Matter the Judge before whom such may be heard shall consider it necessary to have an Account taken, he shall be at liberty to direct the same to be taken before his Chief Clerk, under his own Directions and with his Advice, which Account the said Chief Clerk shall proceed to take accordingly, but he shall not be at liberty to make any formal Report thereon; and said Chief Clerk, in taking such Account, shall be at liberty to reserve Questions as to particular Items or Classes of Items which may involve Points of Law, or be disputed in Fact, for the Decision of such Judge, or may in the Course of such Account take the Opinion or Direction of the said Judge in relation to same; and the said Chief Clerk shall be at liberty, if he shall see fit, to require Affidavits to be made as to Matters of Fact connected with such Account; but nevertheless that it shall be lawful for such Judge, on summary Application on Notice, to grant Liberty to any Party to have such Matter proved on Examination of Witnesses, and when such Account shall be so taken the said Chief Clerk shall place the Cause or Matter in which such Account shall have been so directed in such List of Causes for further Hearing, as of the Day when such Account shall be so concluded.

Charges, &c. abolished.

General Order, Court of Chancery, England, 16th Oct. 1852.

LXXXVII. The Course of Proceeding in the Offices of the several Judges of the Court shall be the same as the Course of Proceeding on Motion; no Statements of Facts, Charges, or Discharges are to be brought in, but when directed, Copies, Abstracts, or Extracts of or from Accounts, Deeds, or other Documents and Pedigrees, and concise Statements are to be supplied for the Use of the Judge, and when so directed, Copies are to be handed over to the other Parties; but no Copies to be made of Deeds or Documents when the Originals can be brought in without special Direction.

Proceeding by Summons abolished.

LXXXVIII. In all Proceedings in the several Courts of the Master of the Rolls and the Vice Chancellors, or before their Chief Clerks, the Practice of bringing Matters forward by Summons shall be discontinued, and Notices shall be substituted in place thereof as upon Motions.

Accounting Party to lodge Account without any

LXXXIX. Whenever the Relief sought by any Petition filed under this Act, or the said recited Act of the Fourteenth and Fifteenth Victoria, Chapter Eighty-nine, shall consist either in whole or in part of an Account from any Partner, Agent, Executor, Administrator, Trustee,

Trustee, or other similar accounting Party, and also in every Matter in which the Judge shall deem it necessary or proper that an Account shall be taken, the Judge before whom such Case shall be pending, on directing such Account, may order that the accounting Party shall by a Day to be specified in any Order for that Purpose, bring in and lodge in the Office of such Judge on Oath, without any previous Charge being filed, such an Account, the Items on each Side to be numbered consecutively, and which Account shall be subsequently vouched before the Chief Clerk of such Judge; and in case the Party so directed to bring in such Account shall not do so within the Time specified in such Order, or having lodged such Account shall not proceed with due Diligence and vouch and pass it within such Time as may be limited for that Purpose, or such further Time as may under special Circumstances be allowed, the Party so making default shall be liable to the Penalty of an Attachment for Contempt for not complying with the Rules or Orders of the Judge in that respect, and shall be also subject to all other Penalties and Powers now exercised by the High Court of Chancery in Ireland for the Purpose of enforcing Obedience to and Performance of Decrees and Orders of the said Court; but nothing in this Act contained shall prevent such Judge, if he shall deem it just and expedient so to do, to direct a Charge or Discharge to be filed as heretofore.

Charge being filed by the charging Party.

XC. Any Party interested in any such Account as in the next foregoing Section mentioned, shall be at liberty to object thereto, within such Time as the Judge shall limit for that Purpose, and such Objections shall be drawn in a succinct Form, and when they relate to any Item of such Account shall only refer to it by the Number of the Item objected to.

Parties at liberty to object to Account.

XCI. Postings for Creditors and for Sales and Advertisements for next of Kin, Legatees, and Incumbrancers, and of every other Description, shall be prepared by the Solicitors and submitted to the Chief Clerk, who is to examine and sign same, and to direct how and how often they are to be published, and such Postings for Creditors, Legatees, Incumbrancers, and next of Kin shall fix a Time for such to come in and prove their Claims, and such Chief Clerk shall by an Inspection of the public Papers in which such Advertisements shall have been so directed to be published, or by such other Means as may appear reasonable and sufficient for the Purpose, ascertain whether the Directions for such Publication have been complied with.

Postings for Creditors, Sales, &c., to be signed by Chief Clerk.

XCII. All Creditors and Third Persons coming in to claim any Debt, Charge, or Incumbrance, under any Decree or Order or in pursuance

Form of Claims by Creditors.

pursuance of any Advertisement to that effect shall file a Claim in the Tabular Form prescribed in Schedule F. hereunto annexed, or as near thereto as the Nature of the Case may admit; if the Sum claimed be a Balance on any running or unsettled Account, or involves the Question of Rests in the Calculation of Interest, the Party filing it is to be at liberty to annex to such Claim by way of Schedule the Particulars of the Account relied on, and every such Claim shall be verified by the Affidavit of the Person on whose Behalf it may be filed, or in the Manner prescribed in the several Cases herein-before provided in relation to Verification of Petitions by Sections Eleven, Twelve, Thirteen, and Fourteen of this Act, or otherwise, as the Judge before whom the Case may be pending or the Court may direct.

Claimants coming in under an Advertisement to file their Claims and give Notice within the Time limited by the Advertisement.

XCIII. All Claimants coming in pursuant to an Advertisement shall file their Claims and give Notice thereof to the Solicitors in the Cause or Matter on or before the Day limited by such Advertisement for that Purpose, and no Claim shall be received after such Day unless with the Leave and on such Terms as may be prescribed by the Judge, and there shall be no separate Hearing of Claims before such appointed Day unless by Direction of the Judge.

Parties interested to be at liberty to lodge Objections to any Claim, the Costs thereof to be paid as the Judge shall direct.

XCIV. All Parties interested shall be at liberty to lodge Objections to any Claim brought in under any Advertisement, such Objections to be lodged before the Case shall be entered for proceeding before the Chief Clerk of the Judge as herein-after mentioned, verified by the Affidavit of the Person on whose Behalf they shall be lodged, unless such Person be either absent abroad, or a Minor, or be incapacitated by mental or bodily Infirmity, in any of which Cases such Objections may be verified in the Manner herein-before provided with respect to the Verification of Cause Petitions; the Costs of such Objections, and all Costs occasioned thereby, to be paid by or to such Person as the Judge on disposing thereof shall order.

Claims to be investigated primarily by the Chief Clerk of the Judge, who shall pass such as are unobjected to.

XCV. After the Expiration of the Time limited by any Advertisement for lodging Claims, in case any have been brought in, the Solicitor for the Petitioner or the Person having the Carriage of the Proceedings shall be entitled to *One Month* after the Time mentioned in such Advertisement to investigate the Claims filed, and when necessary file Objections thereto, and after the Expiration of such Month it shall be the Duty of such Solicitor to set down the Case for a primary Examination of all such Claims by the Chief Clerk of the Judge and to give Notice thereof to all Parties and Claimants, and on the Day so appointed for that Purpose, or so soon after as may be

be convenient according to the State of Business in his Office, such Chief Clerk shall investigate in the Presence of all such Parties as shall attend, and their Counsel and Solicitors, all such Claims as may be then filed, and shall mark and pass as proved such as shall be unobjected to, provided he shall be of opinion they are proper to be so dealt with, and he shall also pass all Claims objected to where the Objection relates to Matter of Detail or Calculation, making such Alterations in the Amount claimed as the Circumstances require; but if any Question shall arise on the Investigation of such Claims, or any of them, either of Law or of Fact, or otherwise requiring in the Opinion of such Chief Clerk the Decision of the Judge, he shall forthwith, whether required by the Parties or not, enter the Case in the Judges List of Causes for Hearing, and upon such Case so coming on, the Judge shall when practicable decide all the Questions in Controversy either between the Parties or Claimants, and make such Decree or Order therein as the Circumstances may require; but if any further Proofs appear to be necessary, the Judge shall direct in what Manner such Proofs shall be made, and limit the Parties to a Time for making same: Provided always, that nothing herein contained shall limit the Power of the Judge when any exceptional Case shall arise to give such further Time or make such Rule therein as the Justice of the Case may require.

The Case to be then set down for Hearing before the Judge as to any Questions in Controversy between the Parties or Creditors.

XVI. If the Solicitor having the Carriage of the Proceedings shall not within *One Month*, to be computed from the Expiration of the Time limited for filing Objections to Claims, as in the next foregoing Section mentioned, set down the Case for Investigation before the Chief Clerk of the Judge as before mentioned, any Respondent who has entered an Appearance or any Person who has filed a Claim shall be at liberty to do so, giving the Notice herein-before provided to the several Parties and Claimants in the Case.

If the Solicitor having the Carriage of the Proceedings does not set down Case, any Respondent or Creditor may do so.

XCVII. In case no Claim shall be lodged pursuant to any such Advertisement as before mentioned, the Solicitor for the Petitioner or Person having the Carriage of the Proceedings shall be at liberty, at any Time after the Expiration of the Time limited by any such Advertisement, to set down the Case for Hearing before the Judge for a final Decree therein, and if he shall not do so within *One Month* from the Time next aforesaid, any Respondent who has entered an Appearance shall be at liberty to set down same for that Purpose; and when any Case shall be set down for Hearing before the Judge by the Petitioner or any other Party in pursuance of the Powers in this Section for that Purpose, a Period of Ten Days shall elapse between the Service of Notice of setting down same and the Day appointed for the Hearing thereof.

In case no Claims lodged, Case may be set down before the Judge for a final Order.

Orders of the Master of the Rolls and Vice Chancellors may be appealed from.

XCVIII. All Decrees and Orders of the Master of the Rolls, or any of the Vice Chancellors, including Orders for Payment of Costs, shall be made up by the Registrar of such Judge and transmitted to the Registrar of the Court of Chancery, and may be appealed from by Motion on Notice, without Objections or Exceptions, and an Appeal shall lie upon such Matters from the Lord Chancellor to the House of Lords; such Appeals to be within such Time and subject to such Conditions as have been enacted by the said recited Act in relation to such Appeals, save that the Party appealing shall specify in the Notice of Appeal the Matter or Matters in respect of which such Order or Decree is objected to, whether such Objections have been the Reception or Rejection of Evidence, or the Decision of Matters of Law or Fact.

Appointment of Perambulators in Partition Causes.

XCIX. The Appointment of Perambulators, and Persons to perform all the Duties heretofore discharged by Commissioners in Partition Causes, shall take place before the Judge to whose Court the several Causes or Matters in which such Appointments shall be made shall be attached as aforesaid, and such Appointments shall be made without Commission in such Manner as is herein-before provided with respect to special Examiners, and the Persons so appointed shall thereby be invested with all the Powers conferred by the Commissions heretofore issued for such Purpose.

Preliminaries to Sale.

C. The Chief Clerk of the Judge under whose Authority a Sale is to be made shall direct all proper Postings and Advertisements for Sale, and shall not proceed with any Sale until satisfied that the Directions given have been complied with, and for that Purpose the Solicitor having the Carriage of the Sale shall, on some convenient Day before the Day of Sale, attend at the Office of the Chief Clerk, and by Production of the Papers and other reasonable Means satisfy such Chief Clerk that the Advertisement and Publication of the Posting and Circulation of the Rentals have taken place as directed.

Chief Clerk to hold all Sales under the Court.

CI. All Sales under the Court shall be held by the Chief Clerk of the Judge, who shall order same, or by such other Person as the Judge in the particular Case shall direct for that Purpose, and such Sale shall be held at the Chambers of such Chief Clerk, or at such other Place as the Judge shall appoint; but nothing herein contained shall affect the Power of the Court to have Biddings taken in the Country in accordance with the existing Practice.

Confirmation of Sale.

CII. When a Purchaser shall have been declared, an Order shall be forthwith prepared on the Application of the Purchaser's Solicitor, or any

any other Party, as of Course, to confirm such Sale on Lodgment of the Purchase Money; and on the entire Purchase Money (which shall be lodged in One Sum) being lodged in Court, the Sale shall stand confirmed without further Order; and if the Purchaser do not lodge his Purchase Money within a reasonable Time, that Proceedings by Attachment may be taken to compel him to do so.

Objections to Title may be taken without Order.

CIII. Every Purchaser under the Court shall be at liberty, without Rule or Order, to lodge Objections to the Title to the Lands purchased by him, and such Objections shall be forthwith set down for Argument before the Judge in his List of Causes, and the Cost of such Objections shall be in the Discretion of the Judge.

If Purchaser neglect to complete his Purchase, the Title to be deemed as accepted.

CIV. If a Purchaser under the Court, having lodged his Purchase Money, shall not proceed to complete his Purchase, the Solicitor having the Carriage of the Sale shall be at liberty to serve a Notice calling on him to do so; and if Objections to the Title shall not be filed within *One Month* from Service of such Notice, the Title shall be considered as accepted, and the Purchaser shall be thenceforward precluded from objecting thereto.

Purchasers Deed to be executed solely by the Judge.

CV. That the Conveyance of Lands sold under the Court shall be prepared in Form as between the Parties, but shall be executed solely by the Judge, whose Signature shall have the same Operation to pass to the Purchaser the Estates and Interests in the Lands of the several Parties in the Cause, and shall otherwise bind them, as if same had been executed by the said several Parties.

Conveyances to be exempt from Stamp Duty.

CVI. That all such Conveyances shall be entitled to the like Exemptions as to Stamp Duty as Purchase Deeds under the Court for the Sale of Incumbered Estates in Ireland.

Purchaser not to object to Want of Parties in certain Cases.

CVII. Whenever a Sale of Lands or Premises shall be had under the Court, the Purchaser at such Sale shall not be at liberty to object to the Title on the Ground of Want of Parties to the Suit, if from its Nature such Persons under the foregoing Rules shall not be deemed necessary Parties, and such Persons shall be deemed bound by the said Suit as if they had been Parties thereto, and shall be bound by such Conveyance as if they had been Parties to the same.

Affidavits to be in the First Person.

English General Orders, 8th May 1845.

CVIII. All Affidavits shall be taken and expressed in the First Person of the Deponent; and any Solicitor, Party, or Person filing an Affidavit not taken and expressed in the First Person of the Deponent shall not be allowed the Costs of preparing and filing such Affidavits in any Taxation of Costs.

 CIX. Every

Affidavits to be divided into Paragraphs, and numbered. 15 & 16 Vict. c. 86. s. 36.

CIX. Every Affidavit is to be divided into Paragraphs, and every Paragraph is to be numbered consecutively, and as nearly as may be confined to a distinct Portion of the Subject.

Suit not to be dismissed for Misjoinder of Petitioners, but Court may modify its Decree according to special Circumstances. 15 & 16 Vict. c. 86. s. 49.

CX. No Suit in the said Court shall be dismissed by reason only of the Misjoinder of Persons as Petitioners therein; but whenever it shall appear to the Court that, notwithstanding the Conflict of Interest in the Co-Petitioners, or the Want of Interest in some of the Petitioners, or the Existence of some Ground of Defence affecting some or One of the Petitioners, the Petitioners, or some or One of them, are or is entitled to Relief, the Court shall have Power to grant such Relief, and to modify its Decree according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing before such Amendments are made to treat any One or more of the Petitioners as if he or they was or were a Respondent or Respondents in the Suit, and the remaining or other Petitioner or Petitioners was or were the only Petitioner or Petitioners on the Record; and where there is a Misjoinder of Petitioners, and the Petitioner having an Interest shall have died leaving a Petitioner on the Record without an Interest, the Court may at the Hearing of the Cause order the Cause to stand revived as may appear just, and proceed to a Decision of the Cause, if it shall see fit, and to give such Directions as to Costs or otherwise as may appear just and expedient.

No Suit to be objected to because only declaratory Order sought. 15 & 16 Vict. c. 86. s. 50.

CXI. No Suit in the said Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Court may decide between some of the Parties without making others interested Parties to the Suit. 15 & 16 Vict. c. 86. s. 51.

CXII. It shall be lawful for the Court to adjudicate on Questions arising between Parties, notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen, or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not

not to be entertained, it shall have Power to refuse to make the Order prayed.

Court may order Real Estate to be sold, if required, at any Time after Institution of a Suit. 15 & 16 Vict. c. 86. s. 55.

CXIII. If after a Suit shall have been instituted in the said Court in relation to any Real Estate it shall appear to the Court that it will be necessary or expedient that the said Real Estate or any Part thereof should be sold for the Purposes of such Suit, it shall be lawful for the said Court to direct the same to be sold at any Time after the Institution thereof, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or Decretal Order on the Hearing of such Cause; and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser or such other Person as the Court shall direct; and all Parties having Charges on such Estate, or an Interest in the Produce thereof, shall have the same Lien upon the Purchase Money that they had upon the Estate; and such Purchase Money shall be brought into and remain in Court to abide the Event of any Accounts which may be necessary for ascertaining such Charges: Provided nevertheless, that the Court shall be at liberty pending such Account to order Payment of any Portion of the Fund in Court to any Party or Creditor who may appear to be entitled thereto pending such Accounts.

Where Real or Personal Property is the Subject of Proceedings, Court may allow to Parties Part or the whole of the annual Income. 15 & 16 Vict. c. 86. s. 57.

CXIV. Where any Real or Personal Property shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow to the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part of the whole of the Income thereof, up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

Practice as allocating and paying out Funds.

CXV. For the Purpose of allocating and paying out Funds, the Solicitor having the Carriage of the Proceedings shall prepare in a Tabular Form an Allocation Schedule showing the Names of the several Parties and Creditors entitled to be paid, the Sum due to each, according to Priority, and the Sums to be respectively allocated and paid in discharge thereof; and such Schedule shall be submitted for Inspection to the Chief Clerk of the Judge, who shall see that all the Parties and Creditors properly entitled have been placed therein, and that the same is, so far as he can judge, substantially correct; and, when approved

Allocation Schedule to be submitted to Chief Clerk of Judge for Inspection.

Notice of the Lodgment thereof shall be given to the Parties and Creditors.

approved of, such Schedule shall be lodged in the Office of the Chief Clerk, and Notice thereof given to all Parties interested, or their Solicitors, and a Day shall then be appointed for the Hearing thereof, being not less than One Month from the Time of the Lodgment of such Schedule, and the Case shall be entered in the Judge's List of Causes for Hearing on such Day accordingly; and if such Schedule shall be unobjected to, the Judge shall, on the Day appointed for the Hearing thereof, or as soon after as the State of Business in his Office will permit, make an Order for Payment or Transfer (in the Case of Stock) of the several Sums to the Parties entitled thereto.

Objections may be lodged to allocating Schedule until within a Week of Day of Hearing.

CXVI. After Service of Notice of the Lodgment of the Schedule, as in the next preceding Section is mentioned, all Parties shall be at liberty to inspect the same, and lodge Objections thereto (stating briefly the Grounds of Objection), at any Time until within One Week of the Day appointed for Hearing; and Notice of the Lodgment of such Objections shall be given to all Parties interested, and the same shall be taken into consideration by the Judge at the Hearing of said Schedule, who shall make such Order therein, or as to the Costs thereof or occasioned thereby, as he shall think fit.

Master's Approbation of Transfer of Stock discontinued.

CXVII. The Practice of the said Court heretofore observed, of requiring the Approbation of a Master to Transfers of Stock and Investment of Cash, shall be discontinued, and that when hereafter any Order shall be made for such Transfer or Investment it shall be sufficient to produce to the Accountant General of the Court the Quotation or Calculation of a Notary as to the Value of such Stock, who shall act thereon without such Approbation.

In case Directions as to Practice, &c. not followed, Court may order and award Costs.
15 & 16 Vict. c. 86. s. 60.

CXVIII. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the said Court of Chancery shall by Mistake of Parties fail to be followed in any Suit or Proceeding in the said Court, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs as such Court shall direct, to make such Order giving Effect to and rectifying such Proceedings as may be justified by the Merits of the Case.

Court of Chancery not to direct Cases to be stated for Opinions of Court of Common Law, but to decide the same.
15 & 16 Vict. c. 86. s. 61.

CXIX. It shall not be lawful for the said Court of Chancery, in any Cause or Matter, to direct a Case to be stated for the Opinion of any Court of Common Law, but the said Court of Chancery shall have full Power to determine any Questions of Law which in the Judgment of the said Court of Chancery shall be necessary to be decided previously to the Decision of the equitable Question at issue between the Parties.

CXX. In Cases where, according to the present Practice of the Court of Chancery, such Court declines to grant equitable Relief until the legal Title or Right of the Party or Parties seeking such Relief shall have been established in a Proceeding at Law, the said Court may itself determine such Title or Right, without requiring the Parties to proceed at Law to establish the same.

Court may determine legal Title of Party seeking Relief, without requiring Parties to proceed to Law 15 & 16 Vict. c. 86. s. 62.

CXXI. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls and the Vice Chancellors, or any Three of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court in respect of the Matters to which this Act relates, so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court.

Lord Chancellor and Judges to make General Rules and Orders for carrying Purposes of this Act into effect.

15 & 16 Vict. c. 86. s. 63.

CXXII. Inasmuch as the Emoluments of some of the Officers of the Court may be diminished by the Operation of this Act, or by the Rules and Orders to be made thereunder, for which they may claim to have Compensation made: It shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, and they are hereby required, within the Space of Six Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise (which Oath they and each of them are and is authorized hereby to administer), to inquire whether any, and, if any, what, Compensation ought to be made to any Officer or Person claiming such Compensation, and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted, it shall be lawful for the Commissioners, or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensation, whether annual or in gross, shall be payable out of such Funds as may be provided by Parliament for that Purpose.

Compensation for Diminution of Emoluments to be made to Officers.

CXXIII. In the Construction of this Act the Expression "the Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal in Ireland; and the Expression "the Court"

Construction of Terms.

Court" shall mean the High Court of Chancery in Ireland; and the Word "Person" shall include Corporation, and shall also include Her Majesty's Attorney or Solicitor General in Cases of Charities, or of Informations at the Suit of Her Majesty.

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SCHEDULE (A.)

FORM 1.

Petition by a Legal or Equitable Mortgagee, or Person entitled to a Charge or Incumbrance affecting Property, seeking Foreclosure, and Sale or Sales.

Cause Petition, *P.R.* Petitioner, *R.T.* and *R.S.* Respondents, and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

To the Right Honourable the Lord High Chancellor of Ireland.

The humble Petition of *P.R.* [*state Addition and Residence*].

1. Your Petitioner humbly showeth, That under and by virtue of an Indenture of Mortgage [*or other Document or Security, as the Case may be*], and by virtue of a Judgment, which Securities are designated by the Letters (*a*) and (*b*) [*or as the Case may be*] in Schedule A. hereunder written, one *C.D.* was entitled, as Mortgagee, to certain Property in said Schedule mentioned, and as Judgment Creditor to a Charge on certain Property in said Schedule also mentioned.

2. That the Time for Payment of the Sums secured thereby respectively has elapsed.

3. That the Right, Title, Estate, and Interest in the said Securities are now vested in the Petitioner by virtue of the Documents designated by the Letters (*c*), (*d*), and (*e*), [*or as the Case may be*] in Schedule B. hereunto annexed.

4. That the Equity of Redemption of the mortgaged Property, and the Estate and Interest in the Property subject to the said Judgment, [*or as the Case may be,*] became and are vested in the Respondents under and by virtue of the Documents designated by the Letters (*f*), (*g*), and (*h*) [*or as the Case may be*] in Schedule C. hereunto annexed.

5. That there is contained in Schedule A. Column 7. a Statement of the Sums due to Petitioner for Principal and Interest on Foot of the Securities in the said Schedule set forth.

6. That the several Statements in the said Schedules respectively, are true in every Particular, and no Deed or Document in the said Schedules mentioned is in the Power, Custody, or Possession of Petitioner, except those stated to be in his Possession or in the Possession of his Solicitor.

7. Your Petitioner prays that he may be paid the said Sums, and the Costs of this Suit, and in default thereof that the Equity of Redemption in the Property mortgaged may be foreclosed, and the said Property may be sold, and that the Property which is subject to the said Judgment may also be sold, and that the Produce of the Sales may be applied to pay the Debts affecting the Properties respectively, and Petitioner's Costs; and for that Purpose that all proper Directions may be given and Accounts taken; and Petitioner prays general Relief.

SCHEDULE A.

	Date of Security, and Parties thereto, and when registered. 1	Lands [*or other Property, as the Case may be,*] included in or affected by the Security. 2	Estate or Interest of the original Debtor in the Lands or other Property at the Date of the Security. 3	Quantity of the Estate or Interest of the original Debtor included in or affected by the Security. 4	Sum secured by the Security, and the Rate of Interest payable thereon. 5	Period when Security payable. 6	Sum due, and to what Period, distinguishing Principal from Interest. 7	In whose Possession the Security, or the Evidence thereof, is. 8
(*a*)	Deed of Mortgage, dated 1st January 1840, between *A.B.* of in the County of of the First Part, and *C.D.* of in the County of of the Second Part. Registered, 1st February 1840.	The Lands of Blackacre, containing 500 Acres, situate in the Barony of and in the County of	*A.B.* at the Date of Mortgage seised in Fee of the Lands of Blackacre [*or as the Case may be*].	Mortgage in Fee [*or* for Ninety-nine Years, *or* for the Lives of *A.B.* and *C.*, *as the Case may be*].	£1,000, with Interest at Five per Cent.	Payable 1st November 1840.	£1,000 Principal, with £50 for One Year's Interest up to and for the 1st January 1851.	Mortgage in the Possession of Petitioner's Solicitor.
(*b*)	Judgment obtained in the Court of Queen's Bench on the 1st May 1844 by the said *C.D.* against the said *A.B.* Registered, 1st December 1844.	The Equity of Redemption in the said Lands of Blackacre and the Lands of Whiteacre, containing 300 Acres, situate in the Barony of in the County of .	*A.B.* when Judgment obtained seised in Fee of the Equity of Redemption in the Lands of Blackacre, and seised for Lives renewable for ever in the Lands of Whiteacre, under Lease made to him by *J.W.*, dated 1st June 1841.	The entire Estate and Interest of *A.B.* in Blackacre subject to the said Mortgage. The entire Estate and Interest of *A.B.* in Whiteacre.	£1,000, with Interest at Six per Cent.	Payable 1st July 1844. Stay of Execution to that Day.	£1,000 Principal, with £120 for Two Years Interest up to and for 1st January 1851.	Attested Copy of Judgment in Possession of Petitioner's Solicitor.

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SCHEDULE B.

	Date and Nature of Document, and when registered. 1.	Parties thereto. 2.	Security assigned. 3.	In whose Possession the Document in Column 2, or the Evidence thereof, is. 4.
(*c*)	1st March 1845. Deed, Registered 2d March 1845.	*C.D.*, the Mortgagee in Schedule A. mentioned, 1st Part. *E.F.* of in the County of 2d Part.	The Mortgage in Schedule A. mentioned.	In Possession of Petitioner.
(*d*)	1st June 1846. Deed, Registered 4th June 1846.	*G.H.*, Executor of the last Will or Testament of the said *E.F.*, and *I.K.*, Heir-at-law of said *E.F.*, 1st Part. The Petitioner *P.R.* of the 2d Part.	The Mortgage in Schedule A. mentioned.	Lost. The secondary Evidence thereof is a Copy of said Deed, and the attested Copy of the Memorial of the Registry thereof in the Possession of the Petitioner's Solicitor.
(*e*)	20th September 1845. Deed.	*C.D.*, the Conusee of the Judgment in Schedule A., 1st Part. The Petitioner *P. R.*, 2d Part.	The Judgment in Schedule A. mentioned.	The attested Copy of the Memorial of the Assignment in the Possession of Petitioner's Solicitor.

SCHEDULE C.

	Date and Nature of Document, and when registered. 1.	Parties thereto. 2.	Property assigned and devised. 3.	In whose Possession the Document in Column 2, or the Evidence thereof, is. 4.
(*f*)	2d of February 1845. Deed, Registered 10th of February 1845.	*A.B.*, in Schedule A. mentioned, of the 1st Part. The Respondents *R.T.* and *R.S.*, 2d Part.	All the Estate and Interest of *A.B.* in the Lands of Blackacre subject to the Mortgage.	In Possession of the Respondents.
(*g*)	4th July 1845. Deed, Not registered.	Said *A.B.* 1st Part. *Y.Z.* of in the County of 2d Part.	Whiteacre.	In Possession of the Respondents.
(*h*)	3d April 1849. Will.	Testator *Y.Z.* died on the Day of 18 .	Whiteacre.	Lodged in the Prerogative Court.

I.S., Solicitor for Petitioner.
[*Residence.*]

H.S., Counsel.

The Respondents *R. T.* and *R. S.* are to be served with Notice of the Petition.

H.S. Counsel for Petitioner.

SCHEDULE (B.)

Form of Notice of Petition to be served under the Nineteenth of the General Orders.

Form of Notice of Petition to be served upon a Respondent in Ireland.

P.R. Petitioner,
R.T. and *R.S.* Respondents,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Sir,

Take notice, That a Petition was filed in this Matter on the Day of 18 , against you and the Respondent *R.S.*, which prays as follows:—

[*Set out the Prayer of the Petition;*] and you are hereby informed, That you are at liberty, if you have any Defence to the said Petition, to file an Affidavit by way of Answer thereto, within (*a*) [Twenty] Days after the Service of this Notice. [And you are required within said Time to answer on Oath the Interrogatories annexed to the Petition (*or* filed the Day of 18 , *as the Case may be,*) (*a*).]

I. S., Solicitor for the Petitioner.
(*Residence.*)

To the Respondent *R.T.*
of [*Addition and Residence*].

(*a*) If an Order shall be made for liberty to annex or file Interrogatories before the Service of this Notice, add the Words in Brackets; and instead of [Twenty] Days insert the Time mentioned in such Order within which the Interrogatories are to be answered.

No. 2.

Form of Notice of Petition to be served upon a Respondent resident out of Ireland.

P.R. Petitioner,
R.T. and *R.S.* Respondents,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Sir,

Take notice, That a Petition was filed in this Matter on the Day of 18 , against you and the Respondent *R.T.*, which prays as follows:—

[*Set out the Prayer of the Petition;*] and you are hereby informed, That you are at liberty, if you have any Defence to the said Petition, to file an Affidavit by way of Answer thereto within [(*a*)] after the Service of this Notice. [And you are required, within said Time, to answer on Oath the Interrogatories annexed to the Petition (*or* filed on the Day of 18 , *as the Case may be*), (*b*)]; and you are herewith served with a Copy of the Order of the Court bearing Date the Day of 18 , giving

giving Liberty to serve you with this Notice out of the Jurisdiction of the Court.

I.S., Solicitor for Petitioner,
(*Residence.*)

To the Respondent
R.S. of
[*Addition and Residence.*]

(*a*) The Section directs that the Order of the Court, giving Liberty to serve a Respondent out of the Jurisdiction, shall limit the Time after Service of the Notice within which the Respondent is to file an Affidavit by way of Answer. The Blank should be filled up from the said Order.

(*b*) The Words in Brackets are to be added if Interrogatories have been annexed to the Petition or filed. If it should happen that the Order giving Liberty to answer the Interrogatories has given a longer Time to answer than the Order made under the Section, the Blank marked (*a*) should be filled up with such longer Period.

SCHEDULE (C.)

Instructions for preparing the Affidavit by way of Answer.

Directions for the Preparation of Affidavits filed by the Respondent by way of Answer.

A.B., Petitioner,
L.M., Respondent,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Affidavit by way of Answer of *L.M.* of [*state Addition and Residence*], the Respondent in this Matter.

I *L.M.* of the Respondent [*state Addition and Residence*], by way of Answer to the Petition in this Matter, make Oath and say,—

First,

That my Defence in Point of Law to the said Petition is as follows:— (*a*)

(*a*) First.—State in ordinary Language, and without Repetition, and as concisely as is possible consistent with Clearness, the Defence of the Respondent (if any) in point of Law, and without Reference to any Document or the Evidence to sustain such Defence, except so far as may be necessary to make the Defence intelligible; and if the legal Defence is only applicable to a Portion of the Petition, the Portion to which it is applicable should be shortly referred to; and if the Respondent insists that the Petition and the Documents, if any, referred to therein, do not authorize the Petitioner to sue, the specific Grounds of Objection should be shortly stated.

Secondly (*b*).

I put the Petitioner upon Proof of the Paragraphs in his Petition numbered 2, 4, 7 [*or as the Case may be*], and put the Petitioner upon Proof of the following Documents; viz., the Deeds of the 2d of February 1842 and of the 1st July 1843, and the Letters of the 2d and 5th of January 1847 and 1st March 1848, referred to in the Petition and the Schedule thereto [*or as the Case may be*].

(*b*) Secondly.—If the Respondent disputes any Matter of Fact or Documents stated or referred to in the Petition, he is to put the Petitioner on Proof thereof in the Manner herein stated.

Thirdly (*c*).

I rely on the Deeds, Documents, and Paper Writings [*or as the Case may be*] in the Schedule hereunder written in support of my said Defence; and say, that no Deed, Document, or Paper Writing [*or as the Case may be*] in the said Schedule mentioned, is in my Custody, Power, or Possession, except those stated in said Schedule to be in my Possession or in the Possession of my Solicitor; and the said Schedule is, as I believe, true in every Particular.

(*c*) Thirdly.—The Respondent is to refer to any Deeds, Documents, or Paper Writings which he relies upon in the Manner or to the Effect hereby directed, and without stating the Contents of same.

Fourthly.

I rely on the following Facts in support of my said Defence; and say,—

1st. (*d*)
2d.
3d.
4th.
5th.
6th, &c.

(*d*) Fourthly.—The Respondent shall state, in ordinary Language, and without Repetition, and as concisely as is consistent with Clearness, the Facts upon which he relies in support of his legal Defence; and the Statement shall be divided into short and separate Paragraphs as conveniently as may be, which shall be numbered consecutively 1, 2, 3, &c.; and if it shall be necessary to state the Contents of any Records, Deeds, or Documents, such Parts alone as shall be pertinent and material shall be set out; and the Part so set out shall be abstracted and stated as concisely as is possible; and the Names of the several Parties to Deeds and Documents shall not be repeated, but the Deed or Document shall be referred to merely by its Date as stated in the Schedule to the Affidavit.

Fifthly.

Fifthly.

And in answer to the Interrogatories annexed to the Petition, I admit, &c. [*or as the Case may be.*]

Fifthly.—If Interrogatories have been annexed to the Petition, or filed before the Affidavit by way of Answer shall be sworn, the Answers to such Interrogatories shall be here inserted; and the Answer to each Interrogatory shall have a Number prefixed corresponding with the Interrogatory.

SCHEDULE to the Affidavit filed by the Respondent *L.M.*, by way of Answer to the Petition.

Date and Nature of Document.	Parties thereto, or who have signed the same.	In whose Possession the Document in Column 2., or the Evidence thereof, is.
1st January 1842. Deed.	*A.B.* of the 1st Part. The Respondent *L.M.* of the 2d Part.	In the Possession of the Respondents.
2d October 1845. 3d February 1846. Letters.	In the Handwriting of and signed by the Petitioner.	In the Possession of Respondent's Solicitor.
4th July 1847. Articles of Agreement.	*F.G.* of the one Part. The Respondent *L.M.* of the other Part.	In the Possession of John Styles of in the County of , Gentleman.

W.D., Counsel for the Respondent.

L.P., Solicitor for the Respondent.

[*Residence.*]

SCHEDULE (D.)

Form of Notice to be served under the Section of this Act.

No. 1.

If the Affidavit by way of Answer filed by the Respondent shall put the Petitioner on Proof of any Matter of Fact or Document stated or referred to in the Petition, and if the Petitioner does not dispute any Matter of Fact or Document stated or referred to in the said Affidavit filed by way of Answer, or the Schedule thereto, the Form of Notice under the Section shall be as follows, or as near thereto as Circumstances will permit:—

A.B. Petitioner,
L.M. Respondent,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Sir,

Take notice, That the Petitioner will proceed, within the Period allowed by the from the Date of the Service of this Notice, to prove the Paragraphs in the Petition,

and the Documents therein referred to, upon the Proof of which he has been put by the Affidavit by way of Answer of the Respondent *L.M.*, filed the Day of 18 , and that the Petitioner will proceed to make such Proof, or such Part as he shall think fit, pursuant to the Thirty-fourth Section.

F.B., Solicitor for the Petitioner.

[*Residence.*]

No. 2.

If the Affidavit by way of Answer filed by the Respondent shall not put the Petitioner on Proof of any Matter of Fact or Document stated or referred to in the Petition, and if the Petitioner disputes any Matter of Fact or Document stated or referred to in the said Affidavit filed by way of Answer, or the Schedules thereto, the Form of Notice under the Section shall be as follows, or as near thereto as Circumstances will permit:—

A.B. Petitioner,
L.M. Respondent,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Sir,

Take notice, That the Petitioner puts the Respondent *L.M.* upon Proof of the Paragraphs in the Statement in his Affidavit filed by way of Answer numbered 3, 5, 8, [*or as the Case may be,*] and puts the said Respondent upon Proof of the following Documents in the said Affidavit and the Schedule thereto set forth; viz.,

[*Here set forth the Dates of the Documents*] (*and if the Petitioner desires to have such Proofs or any of them made vivâ voce, add these Words:* " and that the Petitioner requires the Respondent to prove the said Matters vivâ voce;" *or, if he only desires a Portion of the said Proof to be made vivâ voce, the following Words:* " and that the Petitioner requires the Respondent to prove vivâ voce the following Matters; namely," *&c., &c., setting out the particular Matters*); and the Petitioner, if so advised, will proceed to give Evidence to disprove such Paragraphs and Documents.

F.B., Solicitor for the Petitioner.

[*Residence.*]

No. 3.

If the Affidavit by way of Answer filed by the Respondent shall put the Petitioner on Proof of any Matter of Fact or Document stated or referred to in the Petition, and if the Petitioner disputes any Matter of Fact or Document stated or referred to in the said Affidavit filed by way of Answer, or the Schedules thereto, the Form

Form of Notice under the Section shall be as follows, or as near thereto as Circumstances will permit:

A.B. Petitioner,
L.M. Respondent,
and in the Matter of the Court of Chancery (Ireland) Regulation Act, 1850.

Sir,

Take notice, That the Petitioner will proceed, within the Period allowed by the General Orders of the Court from the Date of the Service of this Notice, to prove the Paragraphs in the Petition, and the Documents therein referred to, upon the Proof of which he has been put by the Affidavit by way of Answer of the Respondent *L.M.*, filed the Day of 18 ; and the Petitioner puts the said Respondent upon Proof of the Paragraphs in the Statement in his said Affidavit numbered 2, 6, 7, [*or as the Case may be*]; and the Petitioner also puts the Respondent upon Proof of the following Documents in the said Affidavit and the Schedule thereto set forth; viz.,

[*Here set forth the Dates of the Documents;*] and the Petitioner, if so advised, will proceed to give Evidence to disprove such last-mentioned Paragraphs and Documents.

[*And if the Petitioner desires to make his Proofs or any Part thereof by Affidavit, or if he shall require the Respondent to make his Proofs or any Part thereof vivâ voce, add a Notice to that Effect in manner pointed out by the Forms Numbers* 1 *and* 2.]

F.B., Solicitor for the Petitioner.
[*Residence.*]

SCHEDULE (E.)

Form of Notice to be served under the Section of this Act.

A.B. Petitioner,
L.M. Respondent,
Court of Chancery (Ireland) Regulation Act, 18 .

Sir,

Take notice, That a Petition was filed in this Matter on the Day of 185 ; [*state here from the Rolls Certificate the Dates of the Affidavits by way of Answer, if any, which may have been filed, and by whom; if any Order has been made by the Court, state that an Order has been made, and state its Date, but not any Part of its Contents; and if a*

state its Date, and state the Date of each important Proceeding, but without setting forth any Part thereof;] and you are at liberty to inspect Copies of the said several Documents at my Office; and you are further required to take notice that you will, under the Section of the Act of become by the Service of this Notice a Party to the several Proceedings had in this Cause as effectually as if you had been named a Respondent in the Petition,

and will be bound by the several Proceedings already had, unless within Ten Days after the Service hereof you shall show good Cause to the contrary [*state the Documents on which the Motion is grounded*].

I. S., Solicitor for the Petitioner.
[*Residence.*]

SCHEDULE (F.)

In the Matter of In Chancery.
Petitioner.
Respondent.

PARTICULARS of the Claim of a Creditor in this Matter.

Name of Claimant. 1	Address of Claimant. 2	Nature of Claim. 3	Date of Claim. 4	Principal. 5	Interest up to Day of	Observations.

Court of Chancery (Ireland) (Procedure).

A

B I L L

To amend the Practice and Course of P ceeding in the High Court of Chancery Ireland.

(*Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.*)

Ordered, by the House of Commons, *to be Printed*, 21 *February* 1855.

[Bill 33.]

Under 8 *oz.*

21 *February* 1855. 18 Vict.

(Ireland.)

A

B I L L

TO

Alter the Law and Practice of the High Court of Chancery in Ireland in relation to the Appointment of Receivers and the Management of Estates under the Control of the said Court.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Eleventh and Twelfth Years of the Reign of His Majesty King George the Third, intituled "An Act for rendering Securities by "Mortgage more effectual," Courts of Equity in Ireland were empowered to appoint Receivers for the Purpose of paying Arrears of Interest on Mortgages: And whereas heavy Costs and Expenses are incurred, and Loss and Injury to Incumbered Estates experienced, as well by the unnecessary Appointment of Receivers, as by Parties in Causes and Matters putting Persons in Nomination for such Appointment, and by Defects in the existing Practice in relation to the Management of Estates by Receivers: And whereas it is expedient to empower the Court to refuse Applications for the Appointment of Receivers in certain Cases, and to alter the Practice in relation to the Appointment of Receivers by the High Court of Chancery in Ireland, the Collection of Rents, and Management of Estates under the Control of the said Court, and the Duties in

Preamble.

11 & 12 G. 3. c. 10.

relation thereto heretofore performed by the Masters in Ordinary of the said Court, and to provide that all such Duties should be performed by Officers appointed for that Purpose under the Authority of this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: (that is to say,)

Repealed save as to pending Proceedings.

I. The said recited Act of the Eleventh and Twelfth Years of King George the Third, Chapter Ten, be and the same is hereby repealed: Provided, that nothing herein contained shall operate to affect, invalidate, or suspend any Proceeding pending under the Authority of the same at the Time of the passing of this Act, but such Proceedings shall continue in full Force as if the said recited Act had not been repealed.

Sale to be ordered at early Stage of Suit, so as to dispense with Receiver.

II. Whenever a Suit shall be pending in the said Court for the Sale of Lands or any Interest in Lands, the Court, without waiting for a general Account of Incumbrances, and in order to give adequate Relief to the Parties without placing the Estate under a Receiver, shall make an Order for such Sale at the earliest Stage of such Suit at which it shall be ascertained that such Sale would be ultimately directed.

No Receiver to be appointed in a Suit, where Remedy at Law, unless under special Circumstances.

III. It shall and may be lawful for the said Court in any Suit for the Sale of Lands to refuse any Application for the Appointment of a Receiver over the same where the Applicant from the Nature of the Incumbrance upon which his Demand may be grounded shall be entitled to obtain Possession of the said Premises, or to enforce Payment of the Rents thereof with the Aid of a Court of Common Law, unless where from the peculiar Circumstances of the Property to be sold or of the general Incumbrances thereon, or from any other special Case shown to the Satisfaction of the Court, it shall deem it expedient to grant such Application.

Receiver not to be appointed where less than One Year's Interest due, or Applicant not likely to derive Benefit from such Appoint-

IV. It shall and may be lawful for the said Court in any Suit for the Sale of Lands to refuse any Application for the Appointment of a Receiver over the Lands to be sold in the said Suit, where there shall be less than *One Year's* Interest due to such Applicant on foot of his Demand, or where (there being more than *One Year's* such Interest so due) it shall be shown to the Satisfaction of the Court that from the Priority of his Incumbrance there is no reasonable Prospect of his obtaining Payment from the Court of any Portion of the Rents to be received before a Sale can be had, and the Proceeds thereof distributed,

buted, unless it shall appear to the Court that any Waste is being committed on the Lands to be sold, or that the Rents thereof are in danger of being lost, or that the same are held by Lease, and the Interest therein is in danger of being evicted for Nonpayment of Rent, or that the Premises are an insufficient Security for Discharge of the Incumbrances thereon, or that there exists any other special Circumstance which may render such Appointment expedient or necessary.

ment, unless Danger of Loss, &c.

V. It shall be competent for the said Court, in any Cause or Matter at its Discretion to refuse any Application for the Appointment of a Receiver over Lands at the Instance of an Incumbrancer where the Rental or Value of the Property over which it is sought to appoint such Receiver shall not exceed *Two hundred Pounds* per Annum, or to impose such Terms or Conditions on granting such Application as to the Court shall seem fit; and it shall and may be lawful for the said Court, if it shall so see fit, on such Application, instead of making an Order for the Appointment of a Receiver thereon in the ordinary Way, to make an Order for Liberty for such Applicant to enter upon the Possession of the said Lands or Premises, or into Receipt of the Rents thereof, or a competent Part thereof, for the Purpose of levying the Amount of his Demand, and to enjoy the same as if such Incumbrancer were a Mortgagee in possession, having the legal Estate vested in him: Provided nevertheless, that before such Order shall be made as last aforesaid, it shall be shown to the Court or Judge that the same will not operate unjustly to any other Incumbrancer whose Incumbrance shall be duly registered, and it shall be lawful for the Court or Judge, on such Application being made by a Puisne Incumbrancer to make such Order for Possession as aforesaid in favour of any prior Incumbrancer who may intervene on such Application: Provided also, that such Person so obtaining such Order for Possession shall be subject to account in the said Cause or Matter, on Motion made on behalf of any Person interested in such Account, for such Profits as he may, or might without wilful Default, have received in like Manner as if a special Suit were instituted for that Purpose, upon the Result of which Account it shall be lawful for the Court to make and enforce such Order as it would have Jurisdiction to make in a Suit so specially instituted, that upon such Order for Possession or Entry being made, the said Incumbrancer shall obtain an Injunction from the Court to put him into actual Possession of said Premises, or if the same be in Possession of Tenants, to issue such Orders on the Tenants to pay him the Rents thereof, and otherwise have and be invested with such Powers of enforcing Payment of such Rents as if he had been formally appointed Receiver by the said Court; provided that such Incumbrancer having so obtained such Possession or entered into such Receipt shall not be obliged to enter

Receiver not to be appointed unless Property exceed 200*l.* per Annum, but Court may put Incumbrancer into possession to levy his Demand.

into any Security or account for the Rents and Profits, save as aforesaid, or be allowed any Poundage on Rents received; and provided that such Incumbrancer having obtained such Possession, on an Application made bonâ fide and without fraudulent Collusion with the Owner of the Premises, shall not be disturbed in or deprived of such Possession or Receipt of Rents by any other Incumbrancer, whether prior or otherwise, so long as he shall keep down and discharge all Rent and such other Outgoings as by the Rules or Orders of the Court Receivers are bound to discharge, and shall pay such Annuity or Annuities as may be prior to his own Incumbrance, unless and until such Premises shall be sold in any Suit in the said Court, and an Order made by the Court upon him to surrender Possession of the said Premises to the Purchaser, whereupon his Right to such Possession or Receipt of Rents shall wholly cease and determine.

The existing Two junior Masters in Ordinary of the Court of Chancery to be Receiver Masters.

VI. The existing junior Two Masters in Ordinary of the said Court of Chancery shall be and they are hereby constituted and appointed Receiver Masters of the said Court, with Power severally to exercise such Jurisdiction and Authority as herein-after provided; and it shall be lawful for Her Majesty from Time to Time, when and as any Vacancy shall occur in the Office of either of the said Receiver Masters or of their respective Successors for the Time being by Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of Ireland to appoint a fit Person, being a Barrister of at least *Fifteen* Years Standing, to supply such Vacancy: Provided, that it shall not be necessary for either of the said Masters in Ordinary hereby constituted Receiver Masters to obtain Letters Patent for their said Appointments to such Office, but they shall be deemed capable of exercising such Office as if the same were held by Letters Patent under the Provisions of this Act; and every such Receiver Master hereby appointed and to be appointed under the Authority of this Act shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Receiver Master from his Office upon an Address from both Houses of Parliament.

Power to appoint Successors on Death, &c., by Letters Patent.

The present Masters in Ordinary hereby appointed Receiver Masters not to require a Patent.

Oath to be taken by Receiver Masters.

VII. Every Receiver Master to be appointed in pursuance of this Act, shall previous to his executing any of the Duties of his Office take the following Oath, which the Lord Chancellor for the Time being is hereby authorized and empowered to administer:

'I do solemnly and sincerely promise and swear, that I will 'duly and faithfully, and to the best of my Skill and Power, 'execute the Office of Receiver Master.

'So help me GOD.'

VIII. The

VIII. The said Receiver Masters and their Successors from Time to Time shall exercise exclusive Jurisdiction in the Selection and Appointment of proper Persons to be appointed Receivers, in passing Receivers Accounts, and in the Control and Direction of such Receivers and of all Matters relating to the Management of Property by them, as well as in their Removal for Neglect or Misconduct and the Appointment of others in the Place of those so removed; and also in the Application of Funds in their Hands according to the Power heretofore vested in the Masters in Ordinary of said Court for that Purpose by the Law and Practice of the said Court, subject nevertheless to Appeal to the Lord Chancellor.

Receiver Masters to exercise exclusive Jurisdiction in the Appointment of Receivers, &c.

Subject to Appeal to Lord Chancellor.

IX. From and after *the Commencement of this Act* all Orders of Reference for the Appointment of Receivers, or which relate to such Office, or which relate to the Management and Letting of Estates under the Court, shall be made to such Receiver Masters, and the Duties now performed by the Masters in Ordinary in relation to Receivers, and the Management or Letting of Estates held under the Court and incidental to such Management and Letting, (not inconsistent with this Act,) shall be performed by such Receiver Masters or under their immediate Control and Directions, and such Receiver Masters are hereby fully authorized and empowered to perform all such Duties accordingly, subject, however, to the Right of Appeal to the Lord Chancellor as herein-after mentioned.

All Orders of Reference for Appointment of Receivers, &c., shall be made to such Receiver Masters.

X. All Business of the Nature and Description in the foregoing Section mentioned, depending in or attached to the Offices of the respective Masters in Ordinary, shall from and after the *Commencement of this Act* be transferred to the Office of the Receiver Masters, who shall from thenceforth pass Accounts and perform all other Duties in relation to such Business heretofore performed by such respective Masters in Ordinary with the like Powers and Authorities in all respects as fully and effectually as the same are now exercised by the said Masters in Ordinary, but subject to the Alterations and Amendments in the Practice herein contained or to be contained in any General Orders to be for that Purpose made under the Authority of this Act.

All Business relating to Receiver and Management of Estates in the foregoing Section mentioned to be transferred to Office of Receiver Masters.

XI. Upon the Occurrence of the First Vacancy in the Office of such Receiver Masters, the Situation of such Second Master shall not be filled up unless the Lord Chancellor shall certify under his Hand to the Commissioners of Her Majesty's Treasury that the State of Business in such Office requires the Appointment of such Second Master, in which Case it shall be competent to Her Majesty on a like Certificate from Time to Time to appoint such Second Master; but nothing

On Occurrence of First Vacancy in the Office of Receiver Master, it shall not be filled up unless the Lord Chan-

cellor shall certify that it is necessary to do so.

nothing in this Act contained shall deprive Her Majesty of the Power of appointing, from Time to Time as the Office may become vacant, One Receiver Master, who shall in such Case be called the Receiver Master.

Annual Salary to the present Receiver Masters.

XII. From and after *the Commencement of this Act* there shall continue to be paid and payable to each of the said Two Masters in Ordinary of the said Court hereby constituted Receiver Masters, so long as they shall respectively hold such Office, and in lieu of the Salary heretofore paid to them as Masters in Ordinary, the full Amount of the annual Salary now payable to them respectively as such Masters in Ordinary, and the same shall be charged and chargeable upon the same Fund, and be paid and payable upon the same quarterly Days of Payment as the yearly Salary now payable to them as Masters in Ordinary is made chargeable and payable, the First Payment thereof to be made on the first of the said quarterly Days which shall next follow the *Commencement of this Act;* and there shall be paid and payable to every succeeding Receiver Master for the Time being so long as he shall hold such Office, out of such Funds as may be provided by Parliament, the annual Sum of *Two thousand five hundred Pounds* Sterling, and every such annual Sum shall from Time to Time be payable and paid quarterly, free and clear from all Taxes and Deductions whatsoever (Income Tax excepted), on every Twenty-fifth Day of March, Twenty-fourth Day of June, Twenty-ninth Day of September, and Twenty-fifth Day of December in every Year.

Salary to future Receiver Masters.

Proportion of Salary to be paid on Death or Resignation of Receiver Master.

XIII. Whenever any Person who shall hold the Office of Receiver Master shall, during the Course of any Quarter, resign or quit his said Office, or shall die, then the Person so resigning or quitting, or the Executors or Administrators of such Person so dying, (as the Case may be,) shall be entitled to such proportionate Part of such Salary as shall have accrued during such Part of the said Quarter as such Person shall have exercised the said Office, and every Receiver Master to be hereafter appointed shall, on the Quarter Day next after his Appointment, be entitled to receive out of the said Funds such Proportion of such Salary as shall have arisen from the Date of the Letters Patent of his Appointment.

Allowance to retired Receiver Masters.

XIV. It shall be lawful for Her Majesty by any Letters Patent under the Great Seal of the United Kingdom to give and grant unto any Person executing the Office of Receiver Master in pursuance of this Act, an Annuity not exceeding *Two thousand Pounds* Sterling, to commence and take effect immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office

Office of Receiver Master, and to continue from thenceforth during the Life of the Person to whom the same shall be granted; and such Annuity shall be payable out of such Funds as may be provided by Parliament, and shall be paid quarterly, free from all Taxes and Deductions whatsoever (save and except Income Tax), on the Four usual Days of Payment in the Year; that is to say, the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, by equal Portions; and the First quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and the Executors or Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided always, that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of *Two thousand Pounds* Sterling: Provided also, that no Annuity granted to any Person having executed the Office of Receiver Master under this Act shall be valid unless such Person shall have continued in the said Office for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and which shall be distinctly recited in the said Grant.

Establishment of Receiver Masters Office.

XV. The Establishment of the said Receiver Masters Office shall consist of Two Chief Clerks and Two Junior Clerks, who shall respectively hold their respective Offices during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves diligently and faithfully in the due Execution of the Duties of the said Office, and such Clerks shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Clerk for some sufficient Cause to be stated in such Order; and such a Number of Scrivenery Clerks as the Service of such Office shall require.

Examiners and Clerks in the junior Two Masters Offices to be Clerks in

XVI. The Examiners now attached to the Offices of the said junior Two Masters hereby appointed Receiver Masters as aforesaid shall be and become and are hereby appointed Chief Clerks in the Office of said Receiver Masters and their Successors in Office, and the Assistant

the Receiver Masters Office.

Clerks now attached to the Office of each of the said Masters shall be and become and are hereby appointed Junior Clerks in the Office of the said Receiver Masters and their Successors in Office.

Appointment of Successors to Chief and Junior Clerks.

XVII. When and so often as any Vacancy shall occur by the Death, Resignation, or otherwise of either of the Chief Clerks hereby appointed, or of any Chief Clerk hereafter to be appointed, pursuant to the Provisions of this Act, such Vacancy shall be filled by the Appointment of One of the Junior Clerks in the said Office who shall be next in seniority and to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made and in all future Vacancies in the Office of Junior Clerk the said Receiver Masters shall alternately appoint some proper Person to be such Junior Clerk.

Solicitors appointed to any Office under this Act to be struck off the Roll.

XVIII. Every Solicitor or Attorney who shall be appointed to and shall accept any Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record in Ireland on which his Name may be.

Salaries of Chief and Junior Clerks.

XIX. The Salaries of the said Chief Clerks shall be the yearly Sum of *Eight hundred Pounds* Sterling each, and the Salaries of such Junior Clerks shall be the yearly Sum of *Three hundred Pounds* Sterling each, and such Salaries shall be paid out of such Funds as may be provided by Parliament, and shall be paid and payable in such Manner and on such and the same quarterly Days, and subject to such Regulations as to proportionable Parts at the Commencement and the Termination thereof, as is herein-before provided in respect to the Payment of the Salaries of the Receiver Masters herein-before provided.

Pensions to Chief and Junior Clerks.

XX. All and every the said several Clerks hereby appointed and to be from Time to Time appointed under the Authority of this Act, who shall hereafter resign his Office with the Sanction and under the Authority of the Lord Chancellor, or shall be removed therefrom by the Lord Chancellor in consequence of his being permanently incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct, and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Office, and shall proceed according to the Principle laid down by an Act passed in the Fifth Year of the Reign of

of His late Majesty King William the Fourth, intituled "An Act to "alter, amend, and consolidate the Laws for regulating the Pensions, "Compensations, and Allowances to be made to Persons in respect "of their having held Civil Offices in His Majesty's Service," and all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the said several Clerks: Provided always, that nothing herein contained shall prejudice the Right of the Examiners of the said Masters in Ordinary of the said Court hereby appointed Receiver Masters, and which Examiners are hereby appointed Chief Clerks in the said Receiver Master's Office, to retire from the respective Offices to which they are appointed by this Act after the Period of Service and upon the other Terms contained in an Act passed in the Fifteenth Year of Her present Majesty's Reign, intituled "An Act to regulate the Proceedings in the High Court of Chancery "in Ireland."

Chief and Junior Clerks empowered to take Affidavits, &c.

XXI. From and after *the Commencement of* this Act it shall and may be lawful for the said several Chief Clerks and Junior Clerks respectively, and all other Persons who may be hereafter appointed Chief Clerks and Junior Clerks to the said Receiver Masters, or to any future Receiver Masters or Receiver Master, while they shall respectively continue to hold their respective Offices, and they are hereby fully authorized, empowered, and directed, to administer Oaths, and to take Affirmations, Declarations, or Attestations of Honour, Examinations, or other Matters whatever to be put in on Oath in their said respective Offices, or in the Offices of the said respective Masters; and all Persons swearing, declaring, affirming, or attesting before any of such Persons so by this Act authorized to administer Oaths and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths, and to take Declarations and receive Affirmations.

Writing Clerks to be employed.

XXII. There shall be employed in the said Office a sufficient Number of writing Clerks to make Copies of all Documents required from the said Office, and such writing Clerks shall be paid at the Rate of *One Penny Halfpenny* per Folio of Seventy-two Words for all Copies made by them respectively.

Additional Clerks to be appointed if

XXIII. If it shall hereafter appear to the Lord Chancellor that the Business of the said Office cannot be discharged with due De-

necessary for the due Despatch of Business.

spatch without the Assistance of an additional Clerk or Clerks, then and in such Case it shall be lawful for the Lord Chancellor to direct that One or more additional Clerk or Clerks shall be appointed; and such Clerk or Clerks shall be appointed accordingly by the said Receiver Masters, or One of them, and shall be paid such annual Salary or Salaries as the Commissioners of Her Majesty's Treasury shall direct, and in the Manner and at the Times herein-before appointed for Payment of the Salaries of the said Clerks hereby appointed, and shall hold Office for the same Term and subject to the like Regulations as the other Clerks hereby appointed.

Receiver Masters shall keep Books in their Office with proper Indexes, containing Record of Causes and Matters in which Receivers appointed, &c.

XXIV. The Receiver Masters shall keep or cause to be kept in the said Office, in proper Books, with proper and sufficient Indexes thereto, in such Form as shall be approved of by the Lord Chancellor, a Record of the Name of every Cause and Matter in which a Receiver shall be appointed, with the Date of his Appointment and the respective Periods of his accounting, also the Address of every such Receiver, and the Name of the Post Town nearest thereto, so as to be enabled to communicate with him by Letter when necessary, also the Name of every Defendant, Respondent, or other Person over whose immediate Interest or Estate in any Lands, Tenements, or Premises a Receiver shall be appointed in any Cause or Matter, also the Date of the Discharge of every Receiver who shall be removed from off any Lands, Tenements, or Premises over which he had been Receiver; and all such Books shall be open to the Inspection of all Parties, and their Solicitors and Agents, during the usual Office Hours.

A Copy of the Order for the Appointment of every Receiver to be lodged in the Receiver Master's Office.

XXV. When any Order for the Appointment of a Receiver has been made in any Cause or Matter depending in the said Court, a Copy thereof shall be lodged in the Receiver Master's Office by the Party having the Carriage thereof, together with a Statement setting forth the exact local Situation of the Property over which the Receiver is to be appointed, the Name of the Person or Persons in possession or receipt of the Rents thereof, and over whose Estate or Interest the Receiver is to be appointed, and the Amount of the gross annual Rental thereof, as nearly as can be ascertained; and thereupon, or so soon after as may be convenient, a Notice shall issue for the Appointment of the Receiver, which shall be served upon all necessary Parties, subject to the Control or Direction of the Receiver Master, for such Time as shall be limited or directed by any General Order for that Purpose, to be made in pursuance of the Powers herein-after contained.

A List to be made of Persons fit and

XXVI. A List shall be made, under the Direction of the Receiver Masters, of Persons who shall be, or who may have been, acting as Receivers

Receivers under the said Court, with the Approbation of the Masters, and also of such other Persons as the said Masters may deem fit and proper for the Discharge of such Duties, which List shall be classified by Counties and Districts so far as same can be done; and such List may be added to or altered by the said Masters from Time to Time by inserting additional Names or omitting Names therefrom as they shall deem right and expedient.

proper to discharge the Duties of Receiver.

XXVII. When a Receiver is to be appointed in any Neighbourhood where there is not an existing Receiver under the Court, the Receiver Master before whom such Appointment is to take place shall select such Person as shall appear to him the most eligible, a Land Agent by Profession to have a Preference if eligible in all other respects, but no practising Barrister, Solicitor, or Attorney shall be appointed to such Office of Receiver unless for some special Reasons, to be set forth in the Order appointing him; and where there is an existing Receiver under the said Court, or a Person who has theretofore filled that Office, in the Neighbourhood of Lands over which a Receiver has been directed to be appointed, such Receiver, provided he has conducted himself in all respects to the Satisfaction of the Receiver Master, is to be entitled to a Preference in such Appointment, in case it shall appear upon Communication made to him for that Purpose from the Office of the Chief Clerk that he shall be willing to accept of such Receivership and give the requisite Security; and in estimating the Qualifications of any existing or previously employed Receiver to a Preference in any new Appointment to be made as aforesaid the Regularity of his accounting, and his general Obedience to and Compliance with the Rules of the Court, shall be taken into Consideration, as well as his Intelligence, Knowledge of Business, and general Competency and Conduct in the Management of the Tenants and Lands over which he has been already appointed.

Mode of selecting Receivers.

XXVIII. When any Person shall be approved of as Receiver, he shall receive directly from the Receiver Master's Office an Intimation by Letter that he has been so approved of, and also informing him of the Time within which he will be required to enter into Security, and he shall also receive direct from the said Office (free of Expense) a Copy of certain General Rules and Orders herein-after provided for; and in case such Receiver shall not enter into Security within the Time so intimated, or such further Time as may under special Circumstances be given, he shall be discharged from such Receivership, and another Receiver shall be appointed in his Place.

When any Person approved of as Receiver, he shall receive an Intimation thereof from the Receiver Master's Office.

XXIX. Every Receiver heretofore appointed or to be hereafter appointed under the Authority of this Act, so long as he shall continue

Receivers to account once in every Year.

continue Receiver in any Cause or Matter, shall once in every Year at the least, and oftener if so required, whether the Cause or Matter be abated or not, pass an Account before One of the Receiver Masters, unless the Master before whom he should so account shall for any special Reasons permit the Accounts in such Cause or Matter to be passed at a greater Interval of Time.

Receiver not accounting within a Year to be called to account for his Default.

XXX. If any Receiver shall not have accounted within *a Year* from the Date of his Appointment or his previous Account, it shall be the Duty of the Receiver Master before whom he should have so accounted, or One of the Clerks before mentioned, without any Intimation or Request from any of the Parties in the Case, to call upon such Receiver by Letter to account for his Default; and in case such Receiver shall not satisfactorily account for such Default, the Receiver Master shall be at liberty to disallow him his Poundage or any Portion of it he shall think proper, and also the Costs of passing his Account.

Receiver not accounting when called upon to be proceeded against by the general Solicitor of the Court.

XXXI. If any Receiver shall not, after having been called upon as aforesaid, pass his Account within a reasonable Time, the Receiver Master shall be at liberty to instruct the general Solicitor of the Court to proceed by Attachment for Contempt against such defaulting Receiver, and shall also be at liberty to remove him from his Receivership and appoint another Receiver in his place, the Costs of such Proceedings to be paid by such defaulting Receiver, and in case of his Inability to pay the same, to be borne by the Funds in the Cause or Matter; provided, however, that no Proceedings shall be taken in any Case by the general Solicitor of the Court where the Parties or any of them are willing to carry on such Proceedings.

Receivers to pay or apply Balances as directed.

XXXII. The Balance appearing due by any Receiver on passing his Account shall be by such Receiver paid into Court or applied as the Receiver Master before whom the same shall have been passed shall certify and direct, having regard to any Order made for Payment of the same.

Receivers not applying Balances as directed to be removed.

XXXIII. Any Receiver who shall neglect paying or applying his Balance as the Receiver Master may direct, within the Time for that Purpose specified, shall be liable to be removed from such Receivership by Order of the Receiver Master or the Court, upon or without any Application for that Purpose, and another Receiver shall be thereupon appointed in his Place.

A Diary to be kept in Receiver Master's Office.

XXXIV. A Diary shall be kept in the Office of the Receiver Master, showing the Days on which the several Receivers are bound to account or to pay Money, or do any other Act in pursuance of the

the General Orders of the Court or the special Orders of the sa Master; and it shall be the Duty of the Chief Clerks of the sai d Office to call upon the several Receivers to show Cause to the said Master for any Neglect or Omission in relation to such Matters as may occur in relation to the same; and it shall be lawful for the Master to make such Order upon the said Receiver in relation to such Matters, whether upon or without any Application for such Purpose, as he may deem just and expedient.

Power to Receivers to proceed to evict Tenants owing One Year's Rent without any Authority from Receiver Master.

XXXV. Any Tenant to any Lands or Premises under the Jurisdiction of the said Court who shall permit One whole Year's Rent to accrue due in respect of such Lands or Premises, shall be liable, without any special Order or Direction for the Purpose, to be proceeded against by the Receiver appointed over such Lands or Tenements, and evicted from the Possession thereof; and it shall be the Duty of the Receiver in any Cause or Matter where he shall consider such Course to be beneficial to the Parties, (but not otherwise,) to take Proceedings for such Purpose.

No special Permission requisite to distrain Tenants in arrear for One Month.

XXXVI. No special Order, Direction, or Permission of the Court or Receiver Master, shall be necessary to authorize a Receiver to distrain the Goods and Chattels of any Tenant who shall permit any Rent to be in arrear for *One Month* after the Gale Day whereon the same became due and payable, but every Receiver shall be at liberty if he shall deem it expedient so to do to proceed by Distress or by Action by Civil Bill or otherwise for Recovery of such Rent, any Order or Practice of the Court to the contrary notwithstanding,

Power to Receiver Masters to remit Arrears of Rent; also to order the Application of Sums to keep Premises, &c. in repair.

XXXVII. The Receiver Master shall have full Power and Authority to remit any Arrear of Rent or Portion of such Arrear which it shall appear to him expedient and for the Benefit of the Parties under special Circumstances so to do, and shall also have Power and Authority from Time to Time to order and direct the Application by the Receiver in any Cause or Matter of such Sum and Sums of Money as shall appear necessary for keeping and maintaining all Fences, Buildings, and Improvements on any Lands, Tenements, or Premises under the Control of the Court in full and perfect Order and Condition.

Power to Receiver Masters to let Lands, &c. for any Term not exceeding Twenty-one Years.

XXXVIII. The present Course of letting Lands for a Term of Seven Years pending a Cause or Matter shall be discontinued; and in lieu thereof the Receiver Masters shall be at liberty when any Lands, Tenements, or Premises are to be let in any Cause, or Cause Petition, Matter, or any other Matter (save Matters of Lunacy and Minority), to determine for what Term of Years (not exceeding *Twenty-one*

Years) such Lands, Tenements, or Premises shall be let, and shall let the same and execute a Lease or Leases thereof for such Term accordingly; and all such Lettings so had shall be good and valid at Law and in Equity for such Term, notwithstanding the Termination of the Cause or Sale of the Lands, Tenements, or Premises, as if such Letting had been made by the Person having the Title or legal Power to demise the same; subject nevertheless, to all Remedies in force in case of Nonpayment of Rent or Nonperformance of the Covenants by the Lessees therein.

Tenants Leases to be prepared for Execution in the Office of the Receiver Masters.

XXXIX. All Tenants Leases for Lands let under the said Court, and Recognizances to be entered into by Tenants and their Sureties when the same shall be necessary, shall be prepared for Execution in the Office of the Receiver Masters in the same Manner as they have been heretofore prepared in the Offices of the Masters in Ordinary of the said Court; but no Fee shall be received or taken for the same, nor any Charge made in respect thereof save only for the necessary Stamp Duty to which such Leases or Recognizances shall be liable.

Receivers Recognizance how to be taken and registered.

XL. The Recognizance to be entered into by every Receiver and his Sureties shall be in such Form as the Lord Chancellor with the Advice and Assistance of the said Receiver Masters shall direct, and may be taken before the said Receiver Masters, or before a Master Extraordinary of the said Court, or One of the Extraordinary Commissioners of the said Court in Great Britain, and shall when executed be duly enrolled and registered, according to the present Practice of the said Court of Chancery, and shall be duly registered in the Office for registering Deeds in Ireland in like Manner as Judgments are now by Law registered therein.

Order on Tenants to pay their Rents to Receiver.

XLI. The Receiver so appointed shall, upon his Recognizance being so executed and registered as aforesaid, lodge the Certificate of Registry thereof in the Office of the Receiver Master, who shall thereupon make an Order that the Tenants of the Lands over which such Receiver has been appointed shall thenceforth pay all Rent and Arrears of Rent to such Receiver until the further Order of the Court, and the several Tenants of such Lands and Premises shall be bound to obey such Order upon being served therewith, and shall be punishable as in Cases of Contempt of Court for Noncompliance therewith.

Vacating Receiver's Recognizance.

XLII. Upon the Death, Removal, or Discharge of any Receiver, and the passing of his Account and Payment of any Balance which may be in his Hands, the Receiver Masters or One of them shall be at liberty to make an Order that the Recognizance entered into by any such

such Receiver be vacated and discharged, and upon Production thereof the Clerk of Recognizances shall enter a Vacate thereon, and the Registrar of Judgments and Registrar of Deeds respectively shall enter Satisfaction at the Foot of the original Registry thereof, and the same shall thenceforth be null and void to all Intents and Purposes.

Recognizances for the Performance of Decrees, &c.

XLIII. All other Recognizances in the said Court for the Performance of Decrees or Orders or otherwise shall be in such Form as the Lord Chancellor, with the Advice and Assistance aforesaid, shall by any General Order direct and appoint, and the same shall be enrolled and registered in the Manner herein prescribed with respect to the Recognizance of a Receiver, and shall be vacated or satisfied in like Manner upon the Order of the Master of the Rolls or One of the Vice Chancellors, or the Court.

Proceedings by Scire facias on Foot of Recognizances abolished.

XLIV. Proceedings by Scire facias in the Petit Bag Side of the said Court on Foot of any Recognizance entered into in the said Court shall be and the same are hereby abolished; and from and after the *passing of this Act* it shall and may be lawful for the said Court, or any Judge thereof, to order that the Persons liable upon Foot of any such Recognizance, or any of them, shall pay into Court the Sum due on Foot thereof, unless good Cause shall be shown to the contrary; and if no Cause shall be shown, or that the Cause shown shall be disallowed, then the said Order shall be made absolute, and such absolute Order shall have the Operation and Effect of a Judgment on a Scire facias or a Recognizance, and the Court thereupon may order an Attachment for Disobedience of the said Order, or the usual Process may be issued against the Body, Goods, or Lands of the Person or Persons who shall be ordered to pay such Sum as aforesaid, in like Manner as the same might be heretofore sued out upon such a Judgment; and it shall be lawful for such Judge or the Court upon any Motion to show Cause against such Order, or to make the same absolute, as well to entertain all Matters which have been heretofore admissible upon a Motion to put a Recognizance in Suit as all Matters which could be set up by way of Defence on the Merits to a Scire facias on a Recognizance, and also to make or direct any Inquiry which the Court or Judge may deem necessary before making such Order absolute: Provided, that nothing herein contained shall operate to affect the Jurisdiction and general Control heretofore exercised over Proceedings on Recognizances against Persons to be charged in relation to the same.

Lord Chancellor, with Advice, &c.

XLV. It shall be lawful for the Lord Chancellor, with the Advice and Assistance of the said Receiver Masters, and they are hereby required,

of Receiver Masters to make Rules and Orders for regulating Mode of Procedure.

required, forthwith to make and issue General Rules and Orders for regulating the Times and Form and Mode of Procedure before the said Receiver Masters respectively and their respective Chief Clerks, and generally the Practice in respect to the Matters to which this Act relates, and such Rules and Regulations may from Time to Time be rescinded, altered, varied, or added to by the like Authority, and all such Rules and Regulations as aforesaid shall take effect as General Orders of the said Court.

Receivers to be at liberty to communicate with Receiver Masters by Letter on any peculiar Exigency.

XLVI. If any Receiver shall require the Advice of the Receiver Master in relation to any peculiar Exigency, he shall not file any Statement of Facts, but shall be at liberty to communicate by Letter with the Officer of the Receiver Master upon his own Responsibility as to the Truth of the Facts contained in such Communication; whereupon it shall and may be lawful for such Receiver Master through the Chief Clerk to convey Advice and Direction by written Answer to such Receiver, if the said Master shall consider the Case one calling for his special Direction.

Receiver Masters to prepare and submit to Lord Chancellor a Code of Regulations for Government of Receivers, &c.

XLVII. Whereas it frequently occurs that Persons who are for the First Time appointed Receivers under the Court of Chancery experience considerable Difficulty in the Discharge of their Duties from being unacquainted with the Rules and Regulations of the Court, and their own Duties, Powers, and Responsibilities as such Receivers, and from the Want of any authorized Standard whereby to acquire such Knowledge and regulate their Conduct and Proceedings: And whereas the Practice of Receivers filing Statements of Facts leads to much unnecessary Delay and Expense: Be it therefore enacted, That the said Receiver Masters shall forthwith prepare and submit to the Lord Chancellor for his Approbation a general Code of Rules and Regulations for the Guidance and Instruction of Receivers and the Regulation of their Conduct in all Matters relative to their Management of Estates, so far as can be anticipated, relating to such Duties of Receiver under the Court of Chancery; and such Rules when approved of by the Lord Chancellor shall take effect as General Orders, and shall be printed at the Expense of the said Receiver Master's Office, and a Copy thereof shall be furnished to every Receiver on his Appointment as Receiver for the first Time, either by delivering same to him if in Town or by transmitting the same to his Residence if in the Country by Post.

Rules may be altered or varied.

XLVIII. All such Rules and Regulations may from Time to Time be rescinded, altered, varied, or added to by new or amended Rules, to be from Time to Time made in like Manner and by the like Authority, and all such amended or additional Rules as shall from Time to Time be

be made shall with all convenient Speed, after being approved of by the Lord Chancellor, be printed and distributed, by delivering or forwarding to every Receiver in manner aforesaid a Copy thereof, free of Expense, and such altered or amended Rules shall not take effect or come into operation for a Period of *One Month* at the least after the same shall have been so as aforesaid approved of by the Lord Chancellor.

Duties of Receivers shall be rendered conformable to Land Agents.

XLIX. In framing Regulations for Government of and Direction for Receivers, they shall be rendered as conformable to the Character of ordinary Land Agents, in the Duties, Discretion, and Resposibilities incident to such Agents in the Management of Estates, as may be consistent with a reasonable Control to be exercised by the Receiver Master.

Receivers Accounts when passed shall be retained in Receiver Masters Office, and bound up in Volumes with Indexes.

L. All Receivers Accounts, when passed and certified, shall be retained in the Office of the said Receiver Masters, and shall, at such Time or Times as may be for that Purpose specified in any General Order to be made for that Purpose, be bound up in One or more Volumes with proper Indexes, and to that end all Receivers Accounts shall be written on Post Paper bookwise with sufficient Margins.

Copies of Receivers Accounts, &c. to be furnished to Parties on Payment of Fourpence per Folio of 72 Words.

LI. Copies of all Receivers Accounts, Statements, or other Documents remaining of Record in the Receiver Masters Office shall be furnished to all Parties requiring them, on Payment of a Fee of *Fourpence* per Folio of Seventy-two Words; and all Parties requiring it shall be at liberty to take a Copy of any Portion or Portions of such Account or other Document as they may require, without being compelled to take out or pay for the entire Document.

Mode of proceeding before Receiver Masters to be by Notice.

LII. The Mode of proceeding before the said Masters respectively shall be by Notice, to be subject to the same Rules and Regulations as to the Entry and Service thereof as heretofore applicable to the Entry and Service of Summonses, unless the same shall be altered by any General Rule to be made in pursuance of the Powers for that Purpose in this Act contained.

Reports for letting of Lands, &c. to be discontinued; no Report to be made by Receiver Masters, except in certain Cases.

LIII. The Practice heretofore existing in the Offices of the respective Masters of making Reports to authorize the selling of Lands and Management of Estates by Receivers under the Court, shall be discontinued, and no Report shall be made by the said Receiver Masters except in Cases where the Lord Chancellor shall specially refer any Matter to the Receiver Masters or either of them to be reported upon, and in place and stead of such Reports hereby directed to be discontinued the said Receiver Masters shall in all Cases have

Power and Authority to make Orders, and all Orders made by the Receiver Masters or either of them shall have the Force and Effect of Orders of the Court of Chancery or any Judge thereof, and be enforced in like Manner, and all Persons neglecting or refusing to obey them shall be subject to the same Penalties and Punishments as is provided for Disobedience to or Neglect of Orders of the said Court.

Orders made by Receiver Masters to be drawn up in their Office.

LIV. All Orders made by the Receiver Masters shall be drawn up in a short Form, and signed by One of the Chief Clerks of such Masters, and shall be entered in Books to be kept in the said Office, with proper and sufficient Indexes, and Copies thereof, properly authenticated or attested, shall be issued from the said Office, subject to such Regulations as shall be settled and provided by any General Orders to be made in pursuance of the Powers in that Behalf contained in this Act.

Receiver Masters to make certain annual Returns.
4 & 5 W. 4. c. 78. s. 16.

LV. The said Receiver Masters shall within the First *Four* Days of Michaelmas Term in each and every Year transmit or cause to be transmitted to the Office of the Chief Secretary of the Lord Lieutenant of Ireland a Return showing the gross Number of Causes, Petitions, and Matters of every Description depending in the said Court of Chancery in which there shall be existing Receiverships, and the Number of Causes, Petitions, and Matters in which Receivers shall have been discharged during the *Twelve* Months next preceding such Return, and the Number of new Appointments which shall have taken place during the same Period; and each of the said Masters shall annex to such Return a Report in Writing under the Hand of such Master, stating the Days on which he shall have attended at his Office during such Period in the Performance of his Duty, and the Number of Hours occupied in each of such Days Attendance.

Construction of Terms in Act.

LVI. In the Construction of this Act the Expression "Her Majesty" shall mean the Sovereign for the Time being; the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being; and the Expression "Receiver" shall mean also and include Receivers, Sequestrators, and Guardians of the Fortunes of Minors in Matters of Minority.

Court of Chancery (Ireland) (Receivers).

A

BILL

To alter the Law and Practice of the High Court of Chancery in Ireland in relation to the Appointment of Receivers, and the Management of Estates under the Control of the said Court.

(Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.)

Ordered, by The House of Commons, *to be Printed,* 21 *February* 1855.

[Bill 34.]

Under 3 *oz.*

21 *February* 1855. 18 VICT.

(Ireland.)

A

B I L L

FOR

Securing the Titles of Purchasers of Estates sold under the Court of Chancery in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to remove certain technical Difficulties in Suits for the Sale of Lands in Ireland under the Court of Chancery, and to render the Titles of Purchasers thereof secure and indefeasible: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Where any Incumbrance exists upon Land or an Interest in Land in Ireland, which from its Nature would entitle the Incumbrancer to obtain a Decree for a Sale thereof from the Court of Chancery in Ireland, it shall and may be lawful for the Owner of such Estate or Interest so subject to such Incumbrance to institute a Suit and obtain a Decree for the Sale thereof, or a competent Part thereof, for Payment of Incumbrances thereon, in which Suit the Court shall proceed and make such a Decree or Order for a Sale, and apply the Funds, the Produce of such Sale, in like Manner as if such Suit had been instituted by such Incumbrancer. Owner of Incumbered Estate may institute Suit for a Sale. 12 & 13 Vict. c. 77. s. 16.

Power of the Court to substitute Service extended to Publication of Advertisements.

II. Where any Person who, according to the existing Law and Practice of the Court of Chancery in Ireland, would be a necessary Party to a Suit for the Sale of any Estate or Interest in Land in Ireland, or to a Suit for Administration of the Assets of a deceased Person, or any other Suit in which such Sale would be ordered as incidental to the Relief prayed, and of which Suit such Person ought, according to such Practice, to have Notice, and where it shall appear to the said Court that such Person is out of the Jurisdiction thereof, or his or her Residence cannot be discovered on reasonable Inquiry made for that Purpose, it shall and may be lawful for such Court, having regard to the Delay, Expense, or Difficulty attendant on the ordinary Service of Process or Notice on such Person or incident to the Mode of Substitution thereof, which the Court has heretofore Power to direct, and upon being satisfied that the Petitioner is entitled to such Sale in lieu of such Service, to declare that the Publication of such Notice or Process by Advertisement thereof (whether with or without any further or other indirect Notification) shall be a sufficient Substitution for the Service of such Notice or Process in the ordinary and formal Way; and upon such Declaration and such Publication of such Advertisement, with or without such further Notification, as the Case may be, such Person being such Party shall be bound by the said Suit, and by all Decrees and Orders pronounced therein, and any Sale had thereunder, as if such Person had been within the Jurisdiction of the Court, and actually served with such Notice or Process in the ordinary Way.

Court to have Power to judge of the Reasonableness of Objection for Want of Parties.

III. It shall not be lawful for any Party to a Suit pending in the said Court for the Sale of any Estate or Interest in Land in Ireland, or to a Suit in which such Sale may be granted as incidental to the express Relief therein prayed as aforesaid, to make any Objection for Want of Parties as Matter of Right, but the Court shall have full Power and Discretion to dispense with such Parties to the Suit, upon the Plaintiff or Petitioner, or Person having the Carriage of such Proceedings, publishing such Advertisements or making such other indirect Notification to them of the Object of such Suit in such Manner as to the said Court may appear reasonable and expedient.

Opinion of Counsel to be taken on Title.

15 & 16 Vict. c. 86. s. 56.

General Orders, Court of Chancery, Ireland.

IV. When a Decree or Order for a Sale of any Estate or Interest in Land in Ireland shall be pronounced in any Suit pending in the said Court of Chancery, and before the same shall be put up for Sale, the Plaintiff, Petitioner, or other Person having the Carriage of such Proceedings shall lodge a Statement of the Title to such Estate or Interest in the Office of the Court of the Judge before whom such Suit shall have been attached, in like Manner as Statements of Title are now lodged in the Offices of the Masters of said Court of Chancery, save

save that every such Statement shall henceforth be laid before some practising Barrister of at least *Fifteen* Years standing, being One of Her Majesty's Counsel, to be specially nominated in such Case by the said Judge, for the Opinion of such Counsel thereon, to be given within a limited Time, to be also specified by the said Judge, to the Intent that the said Judge may be the better enabled to give such Directions as he may deem necessary respecting such Sale as hereinafter mentioned; and save that such Counsel, instead of the Certificate now required by the Practice of the Court to be affixed to such Statement, shall certify that he has examined such Title and the Proceedings in the Suit, and (if such be the Case) that in his Opinion it would be proper and expedient to proceed with the Sale forthwith; or if he shall not be of such Opinion, then he shall suggest such further Inquiries, Notices, or Advertisements as may to him appear expedient preliminary to a posting for such Sale.

Court to direct Posting or order further Notices, Inquiries, or Advertisements.

V. After such Opinion shall be so obtained, the said Judge shall investigate such Statement of Title and Opinion, with any Suggestions thereon, and by himself or his Chief Clerk settle a Rental, and direct the necessary Posting for such Sale; or if he shall see fit, taking into consideration such Suggestions, it shall and may be lawful for him, instead of settling such Rental and ordering such Posting, to make such preliminary Directions as to further Inquiries, Notices, or Advertisements as to him shall appear just and expedient: Provided that nothing herein contained shall render it imperative on such Judge to direct any such further Inquiry, Notice, or Advertisement, unless he shall consider the same just and necessary.

No Purchaser to object to Title.

VI. No Purchaser of any Estate or Interest in Land sold under the said Court shall be at liberty to refuse to complete such Sale by reason of any Objection to the Title thereof, or on the Ground that the proper Parties had not been brought before the Court or properly served in the Suit in which such Sale was had, or for any other Irregularity or Informality whatever in the Proceedings in the Suit, save for such Misdescription of the Premises in the Rental and Statement thereof which would, according to the existing Practice of the Court, entitle a Purchaser to be discharged from his Purchase: Provided however, that nothing herein contained shall operate to deprive the Court of the Power of cancelling or opening such Sale, or discharging the Purchaser, or allowing him Compensation, if the said Judge shall deem it just so to do.

Tenancies to be ascertained.

VII. Where any such Sale as aforesaid shall be made under the Decree or Order of the said Court, it shall and may be lawful for the said Court, when and so far as it may deem necessary for the Purposes

12 & 13 Vict. c. 77. s. 23. 16 & 17 Vict. c. 64. s. 8.

of such Sale, to ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases affect the Land, or Lease, or Part thereof, to be sold, and to give or cause to be given such Notice, or cause such Advertisements to be published, and make or cause to be made such Inquiries in relation thereto, as it shall deem necessary for ascertaining and securing the Rights of such Tenants, Lessees, or Under-lessees as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, shall, at such Times and Places as the Court may by Notice require, produce all Leases, Under-leases, and Agreements in Writing under which such Tenants occupy or claim to hold, if such Leases, Under-leases, or Agreements, or Counterparts thereof, be in their Possession or Power; and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under Parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and the Sale shall be made subject to the Tenancies, Leases, or Under-leases ascertained as aforesaid, and subject to which the Owner or Incumbrancer applying for a Sale shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, ascertained as aforesaid, as shall appear to the Court to have been granted bonâ fide by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Court the Sale should be made, save such (if any) of respective Tenancies, Leases, and Under-leases, as, with Consent as herein-after mentioned, shall be included in such Sale, and, when the Court shall think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies the Nature of which shall not have been ascertained or shall be disputed; and where the Court shall think fit, such Sale may be made subject to Dower or any annual Charge affecting the Land or Lease, or Part thereof sold, or to any such apportioned Part of such Dower or annual Charge, as the Court may think fit, should remain charged thereon; and where such Land or Lease, or Part thereof, is subject to any Incumbrance, under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Court think fit, be made subject to such Incumbrance.

Sale may be made subject to Tenancies or annual Charge, or to charge not then redeemable.

Court may make Provision as to Incum-

VIII. It shall be lawful for the Court to sell any Land or Lease or Part thereof discharged from any Crownrent or Quitrent which it may be enabled, and may, with the Consent of the Owner, think fit to

to purchase, or from any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act to promote the "Drainage of Land and Improvement of Navigation and Water-"power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act of the Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of Landed "Property in Ireland," or by virtue of any Act or Acts passed, or which may be passed, for amending the said Acts, which the said Court may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from such Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crownrent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court, where it shall think fit, to pay to any Person entitled to any Dower or to any annual or other Charge, not being an Incumbrance, for Payment of which the Court has Jurisdiction to decree a Sale of Land, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof, or any Part thereof; and where a Part only of any Land or Lease subject to Dower or to any Incumbrance or Charge is sold, to charge the Part not sold with such Dower, Incumbrance, or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money from the Part so sold from any such Dower, Incumbrance, or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court where it thinks fit may invest or provide for the Investment of Money to meet any Claim of Dower or any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where by reason of such Charge, Incumbrance, or Interest, being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Lease, or Part thereof, from the Sale of which same may have arisen.

brances, Charges, &c, to facilitate Sales, &c. and Distribution of Purchase Money. 12 & 13 Vict. c. 77. s. 34.

IX. Where there shall be separate Decrees of the said Court for Sales of any Land and of any Lease in the same Land, or of Two or more Leases in the same Land, or for different undivided Shares of any Land or Lease, it shall be lawful for the said Court, where it shall see fit so to do, to include, with the Consent of the Persons by whom such respective Decrees may have been obtained, and of any other Persons whose Consent the Court may, under the Circumstances, think

Lands included in different Decrees for Sale, and different Interests in the same Land, may be included

in the same Sale, 12 & 13 Vict. c. 77. s. 36.

think fit to require, in the same Sale, upon such Terms as it may think fit, such Land and Lease, or such Leases, or such several undivided Shares as aforesaid; and where any Land or Lease, or Part thereof, subject to any Incumbrance, is decreed or ordered to be sold, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be liable to be sold under any Decree of said Court,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate or Interest, to include the same, upon such Terms as the said Court may see fit, in the Sale of the Land or Lease, or Part thereof, so decreed to be sold as aforesaid; and all the Powers of the said Court and the Provisions of this Act applicable to any Land or Lease subject to any Incumbrance, ordered to be sold, and to any Incumbrance or Charge upon such Land or Lease, and to the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as the Circumstances may admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Court shall apportion the Purchase Money and Expenses as it sees fit.

If Land sold shall be subject to a Lease, &c. comprising other Land, or if Part of Lease in perpetuity, &c. be sold, the Court may apportion the Rent. 12 & 13 Vict. c. 77. s. 37.

X. If any Land or Lease to be so sold shall be subject to a Lease or Under-lease for Years or Lives, comprising other Land at an entire Rent, it shall be lawful for the said Court to apportion the Rent between the Land to be so sold and the Remainder of the Land subject to such Rent; and where it is intended to sell a Part only of any Lease in perpetuity or other Lease, it shall be lawful for the said Court where it shall think fit, and (having regard to the Rights and Interest of the Owner of the Reversion) it shall appear just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the said Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as they shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Land out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

XI. When

XI. When any Suit shall be pending in the said Court for a Sale of an undivided Share of any Land or Lease, or where any such undivided Share shall have been sold under a Decree or Order of the said Court, and either before or after the Conveyance thereof to the Purchaser, the Court, without any Suit being instituted for that Purpose, on the Application by Motion of any Party interested in such undivided Share, or of the Purchaser (as the Case may be), and after causing to be given such Notice to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease, as to such Court may seem fit, and hearing such Parties interested in the respective Shares as may apply, and making or causing to be made such Inquiries as may enable it to make a just Partition, may, if it think fit, make an Order for the Partition of such Land or Lease, with or without of Partition, as the Case may be; and in such Order, or in a Map or Plan annexed there to, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land or Lease; and the said Court shall have the like Authority, Jurisdiction, and Powers in relation to such Partition as if a Suit had been pending for that special Purpose; and the Part so allotted in severalty in respect of each undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (when the Order for a Partition is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale and before Conveyance), and with the like Consequences in the several Cases aforesaid, as if the Suit, Decree, or Order for a Sale, or the Sale (as the Case may be) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under the Court, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees or Tenants hold jointly or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenant, and after giving or causing to be given such Notices, and hearing such Parties as it may think fit, and making such Inquiries as it may deem necessary, to make an Order for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and

In Suit for Sale of an undivided Share, Court may, on giving Notice and hearing Parties, make Order for Partition. 12 & 13 Vict. c. 77. s. 43.

and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

In Suit for Sale, or after Sale, Court may make Order for Exchange. 12 & 13 Vict. c. 77. s. 44

XII. Where a Suit shall be pending for a Sale of any Land, or Lease, or Part thereof, or where the same shall have been sold, and either before or after the Conveyance or Assignment thereof, if Application be made to the said Court by any Party interested in such Land or Lease, or by the Purchase (as the Case may be) for the Exchange of all or any Part of such Land, or of all or any Part of the Land comprised in such Lease, for other Land which the Owner thereof may be willing to give in Exchange, the said Court may make or cause to be made such Inquiries as they may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands as they may think fit; and if, after making such Inquiries and hearing such Parties interested in the respective Lands as may apply to them, the said Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order has not been made; and the like Order for a Sale may be made in respect of the Land taken in Exchange for any Land, or any Land comprised in any Lease to which the Application for a Sale shall relate (where the Order for Exchange is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Lease, or Part thereof,

sold

sold (where the Order for Exchange is made after Sale, and before Conveyance or Assignment), and with the like Consequences, in the several Cases aforesaid, as if the Suit for a Sale, or the Sale (as the Case may be), had been in respect of the Land so taken in Exchange.

The Court may include Arrears of Rent in a Sale. 16 & 17 Vict. c. 64. s. 9.

XIII. Where a Sale is made by the said Court of any Land or Lease, it shall be lawful for the said Court, whenever it shall appear convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly; and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall after such Assignment of the said Arrears, have for the Recovery and in respect of the Nonpayment thereof the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed, if no such Assignment thereof, nor any Conveyance or Assignment of such Land or Lease, had been made.

Where a Lease in perpetuity is ordered to be sold, the Court may convert it into a Fee-farm Grant. 16 & 17 Vict. c. 64. s. 3.

XIV. Where the said Court shall order the Sale of any Lease in perpetuity, it may, if it shall think it expedient so to do, cause Notice to be given to the Owner or other Persons interested in the Reversion, or any Person on behalf of such Owner or other Persons, and may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but their Procedure in relation thereto shall be according to the general Rules and Practice of the said Court; and in case such Conversion shall be ordered, the said Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

In Suits for a Partition, Order and Map sufficient, without Conveyance. 12 & 13 Vict. c. 77. s. 45.

XV. In every Decree for a Partition, made in Suits specially instituted for such Purpose, or in a Map or Plan annexed thereto, shall be shown the Part allotted in severalty in respect of each such undivided Share; and the Part so allotted in severalty in respect of each such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses, and subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Court empowered to institute Suit for Exchange of Land. 12 & 13 Vict. c. 77. ss. 45 and 47.

XVI. It shall be competent for the said Court to entertain a Suit for the Exchange of Lands in Ireland in like Manner as it exercises a Jurisdiction at present for Partition, in which Suit the Court shall make or cause to be made such Inquiries as it may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion, on instituting such Inquiries and causing such Notices to be served as it shall deem fit, that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, it shall and may be lawful for the Court to make a Decree or Order for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Decree or Order; and the Land taken upon such Exchange shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited, or been subject to in case such Order had not been made.

No Decree for Partition in a Suit binding upon third Persons, unless Notices of same advertized, and Three Months after to object. 12 & 13 Vict. c. 77. s. 48.

XVII. No such Decree or Order for a Partition in a Suit expressly instituted for that Purpose, and which has not been made as incidental to a Sale under the Court as aforesaid, shall be binding upon any Person or Persons save the Parties thereto, and such Person or Persons as, being interested in the Lands to be partitioned, shall have intervened pro interesse suo (as they shall be at liberty to do), upon the Inquiry by the Court whether such Partition would be beneficial to the Person interested therein, unless Notices by Advertisement in such Newspapers as the Court shall direct shall have been given of such proposed Partition, and unless *Three* Calendar Months shall have elapsed from the Publication of the last of such Advertisements before such Inquiry shall be entered into; and no such Decree for an Exchange in a Suit expressly instituted for that Purpose, and which has not been made as incidental to a Sale under the Court, as aforesaid,

No Decree for Exchange if any Person interested

aforesaid, shall be binding except upon the Consent of the Parties to the said Suit, or the Persons who, being interested in such Exchange, shall intervene in the same, and any Person who, after the Publication of Notice of proposed Exchange in manner herein-before provided in relation to Suits for Partition, shall not, within the Period of *Three* Calendar Months from the last Publication of such Notice, intervene in the said Suit and dissent from such Exchange, shall be deemed to have consented thereto; and every such Decree or Order for a Partition or Exchange as last aforesaid shall state the Fact of such Advertisements having been published (if the Fact be so) and the Date of the last of such Publications, and shall state whether the same is binding generally on all Persons whomsoever, or only upon and as between the Parties to the Suit in which such Decree or Order shall have been made, or such Persons as shall have intervened therein; and the Court shall have full Power to bind all Infants, Femes Covert, Idiots, or Lunatics, by such Decree or other Proceedings in the Suit in which such Decree may be made.

shall come in and dissent.

XVIII. Where any Sale of any Estate or Interest in Land shall be had under a Decree or Order of the said Court, the Conveyance or Assignment thereof shall be under the Seal of the said Court, and shall be signed by One of the Judges thereof, and the Execution by any other Party of such Conveyance or Assignment shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases, and Under-leases (if any) subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the Court, the Purchaser may require.

Execution of Conveyance by Judge of the Court sufficient. 12 & 13 Vict. c. 77. s. 24.

XIX. Every such Conveyance, so executed by such Judge as aforesaid, shall be effectual to pass the Fee Simple and Inheritance of, or such other Estate or Interest in, the Land or arising out thereof, whether corporeal or incorporeal, as is by such Conveyance expressed to be conveyed, subject to such Tenancies, Leases, and Under-leases as shall be referred to therein as aforesaid, but save as aforesaid and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment, executed by such Judge upon the Sale of a Lease in perpetuity, or other Lease, shall be effectual to pass the Estate created or agreed to be created by such Lease and then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion Expectant or the Determination of such Leases, and to such Tenancies, Leases, and Under-leases as shall be expressed

Effect of Assurance. 12 & 13 Vict. c. 77. s. 27.

xpressed or referred to in such Conveyance or Assignment, but save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the leasehold Estate or Interest; provided that where any Land or Lease, or Part thereof, or any Estate or Interest in Land subject to any annual or other Charge, or such apportioned Part thereof, such annual or other Charge, or such apportioned Part thereof only (as the Case may be) shall remain and be charged on and payable out of such Land, Lease, or Interest, or Part thereof as in the Conveyance or Assignment shall be expressed.

Saving of Right of Common. 12 & 13 Vict. c. 77. s. 28.

XX. Any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way or other Easement, or any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent, charged upon or issuing out of any Land, or any Charge made by virtue of the said Acts severally passed in the Sixth and Tenth Years of Her Majesty, or any Act or Acts which have been or may be passed for amending the said Acts, save where the Court shall think fit to redeem the Crown Rents or Quitrents, or to redeem or pay off the Charges under the said Acts, or any of them under the Power herein-before contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents, or Charges under said Acts, or either of them (as the Case may be), and in such Case such Land shall be so discharged accordingly.

Conveyance, Partition, &c. conclusive.

XXI. Every Conveyance and Assignment respectively executed as required by this Act, and every Decree or Order for Partition or for Exchange, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Decree or Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein.

Where Conveyance is made subject to a Lease, it shall not be necessary in pleading to allege prior Title to Reversion.

XXII. Where any Conveyance or Assignment has been made before the passing of this Act, or shall hereafter be made by the said Court or any Judge thereof, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary in any Action arising out of or connected with such Lease, Under-lease, or Tenancy,

or

or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment, and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry, for Nonpayment of Rent, or for doing of Waste, or other Forfeiture, and also shall and may have and enjoy the like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the Parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into the Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Orders of the Court may be enforced in England. 12 & 13 Vict. c. 77. s. 14.

XXIII. Whenever an Order shall be made under this Act by the Court of Chancery in Ireland, it shall and may be lawful for the Party obtaining or having the Carriage of the same to apply by Petition to the Court of Chancery in England, that the said last-mentioned Court, without requiring such Exemplification or Enrolment as hereinafter mentioned, may cause like Process to issue to enforce such Order as upon an Order for Payment or accounting for Money made by the High Court of Chancery in Ireland, whereof a Copy has been exemplified and certified to and enrolled in the High Court of Chancery in England, under an Act passed in the Forty-first Year of King George the Third, intituled "An Act for the more speedy and "effectual Recovery of Debts due to His Majesty, His Heirs and "Successors, in the Right of the Crown of the United Kingdom of "Great Britain and Ireland, and for the better Administration of "Justice within the same:" which Process the said Court of Chancery in England shall issue accordingly, and have the same Effect as if such Order had been enrolled; and the said Petition shall be grounded on a Copy of the said Order, attested by the proper Officer of the Court of Chancery in Ireland, but without such Exemplification or Enrolment.

Construction of Terms in this Act.

XXIV. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word

"Court." Word "Court" shall mean either the Lord Chancellor of Ireland, or any of the Judges of the Court of Chancery in Ireland, who according to the Practice of the same are competent to make Decrees or Orders in Suits; and the Word "Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, and Hereditaments of any Tenure, whether subject to any Fee-farm or other perpetual Rent, with or without Condition of Re-entry for securing the same or otherwise, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend to an Estate in Equity as well as at Law; and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal; and the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created, or agreed to be created by such Lease or Agreement in the whole or any Part of the Land therein comprised.

12 & 13 Vict. c. 77. s. 54. "Land." "Estate." "Lease."

Act to extend to Ireland only. XXV. This Act shall, except so far as the special Provisions of the same otherwise require, extend only to Ireland.

Court of Chancery (Ireland) (Sales of Estates).

A

BILL

For securing the Titles of Purchasers of Estates, sold under the Court of Chancery in Ireland.

(Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.)

Ordered, by The House of Commons, *to be Printed,* 21 *February* 1855.

[Bill 35.]

Under 2 oz.

(Ireland.)

A

B I L L

TO

Amend an Act of the Fourth Year of the Reign of King George the Fourth, for granting additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to grant additional Stamp Duties on "certain Proceedings in the Court of Chancery and in the Equity "Side of the Court of Exchequer in Ireland," certain Duties of Stamps were granted and directed to be raised and levied in Ireland, for and in respect of the Proceedings, Matters, and Things enumerated and described in the Schedule to said Act annexed: And whereas under and by virtue of certain Acts of the present Session of Parliament for the better Administration of Justice in the Court of Chancery in Ireland, the Practice and Course of Proceeding in the said Court of Chancery will be materially altered, and certain of the Instruments, Matters, and Things mentioned in the Schedule to the said Act are abolished, and other Instruments, Matters, and Things are substituted in lieu thereof; and it is expedient that the Schedule to the said

Preamble. 4 G. 4. c. 78.

said recited Act should be altered and amended to provide for the new Course of Practice: *And whereas it is expedient that Stamp Duties of a similar Amount to those granted and levied on Proceedings in the Court of Chancery in Ireland should also be granted and levied on similar Proceedings in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, and that the Provisions of the said recited Act should be extended to Proceedings in the said Court:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Duties in Schedule to 4 G. 4. c. 78. repealed.

I. From and after the *Commencement of this Act* the several Duties of Stamps enumerated and set forth in the Schedule to the said recited Act shall be and the same are hereby repealed; and in lieu and stead thereof there shall be granted, raised, levied, collected, and paid in Ireland unto Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments and Proceedings in the High Court of Chancery in Ireland, *and in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland,* set forth in the Schedule to this Act annexed, the several Sums of Money or Duties respectively inserted and set forth in the said Schedule, over and above and in addition to any Stamp Duties or other Duties payable by Law for or upon the said several Instruments, Matters, and Things, or any of them; *and all and singular the several Provisions of the said recited Act (so far as the same shall be consistent with and shall not be superseded by the Provisions of this Act) shall be extended to the several Instruments, Proceedings, Matters, and Things in the said Court of the Commissioners for the Sale of Incumbered Estates in Ireland, so far as the same or any of them are set forth in the Schedule to this Act.*

The Duties in Schedule annexed to be paid;

and extended to Proceedings in Court of Commissioners for Sale of Incumbered Estates in Ireland.

Separate Marks shall be used to denote the Duties applicable to the several Proceedings.

II. Separate and particular Types, Marks, and Stamps shall be kept and used for denoting and marking on Vellum, Parchment, or Paper the several and respective Duties in the Schedule to this Act mentioned, as applicable to the several Proceedings therein set forth in the Court of Chancery, *and in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland respectively.*

Provisions of 4 G. 4. not inconsistent with this Act, continued and extended to the

III. The said first herein-recited Act, and all and every the Clauses, Regulations, Matters, and Things therein, and the Powers and Authorities thereby given, for charging, raising, levying, paying, accounting for, and securing the several Duties in the Schedule to said recited Act mentioned, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, or otherwise, shall

shall be continued and remain in full Force and Effect in all respects, and shall be and they are hereby extended and applied to the several Duties in the Schedule to this Act annexed; and the said Schedule to this Act annexed, and every Clause, Regulation, Matter, and Thing therein respectively contained, shall be deemed, taken, and considered as Part of this Act. Duties in the Schedule to this Act.

IV. This Act and the several Provisions herein shall commence and take effect from the Commencement of this Act.

SCHEDULE of the DUTIES of STAMPS which are to be paid and payable for and in respect of the First Sheet or Piece of Vellum, Parchment, or Paper upon which the several Instruments, Matters, and Things herein mentioned, relating to the Business of the Court of Chancery, *or relating to the Business of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland*, shall respectively be written or printed, and which Duties shall be payable over and above any other Duties payable by Law on the like Proceedings.

	£	*s.*	*d.*
Affidavit, Affirmation, Declaration, or Deposition taken in any Cause, Cause Petition, Matter, or other Matter in Court - - - - - - -	*0*	*2*	*6*
Not to apply to Depositions taken on a vivâ voce Examination before the Court or any of the Judges thereof.			
Certificates.—On every Certificate, except Certificates at the Foot of Bills of Costs - - -	*0*	*6*	*6*
——— On every Certificate at the Foot of any Bill of Costs, where the Amount as furnished or claimed by such Bill shall not exceed the Sum of Fifty Pounds Sterling - - -	*0*	*10*	*6*
——— Where such Amount shall exceed the Sum of Fifty Pounds Sterling, for every Sum of Ten Pounds Sterling, above Fifty Pounds Sterling, an additional Sum of - - - -	*0*	*3*	*0*
Leases.—Any Lease, and any Counterpart thereof - -	*0*	*15*	*0*
Notices.—Any Notice, Advertisement, or Posting to sell or to let, pursuant to any Decree or Order -	*1*	*1*	*0*
——— Any other Notice - - - - -	*0*	*1*	*0*
Petitions.—Any Petition, except Petitions in Matters of Minority or Lunacy - - - - -	*0*	*10*	*0*
Any Petition in a Matter of Minority or Lunacy -	*0*	*6*	*6*
Recognizances.—Every Recognizance - - - -	*0*	*10*	*0*
Summonses.—Any Summons requiring the Attendance of any Person to be examined as a Witness - - -	*0*	*1*	*0*

(Ireland) (Stamp Duties).

A

BILL

To amend an Act of the Fourth Year of the Reign of King George the Fourth, for granting additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in Ireland.

(*Prepared and brought in by Mr. Whiteside, Mr. Napier, and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed,* 21 *February* 1855.

[Bill 37.]

Under 1 *oz.*

14 *June* 1855. 18 VICT.

A

BILL

TO

Amend the Provisions of the Court of Exchequer (Ireland) Act, 1850.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act for the Transfer of the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in Ireland," it is amongst other things enacted, that on the First Day of August One thousand eight hundred and fifty the Power, Authority, and Jurisdiction of the Court of Exchequer in Ireland as a Court of Equity should be transferred to the Court of Chancery in Ireland: And whereas Doubts have arisen as to the Powers of the said Court of Chancery with respect to Monies since directed by Parliament to be paid into the Bank of Ireland as Compensation to the Credit of the Accountant General of the Court of Exchequer in Ireland, and it is expedient to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where by any Act heretofore passed, whether Public General or Local and Personal, any Amount or Sum of Money is authorized or required to be paid into the Bank in the Name and with the Privity of the Accountant General of the Court of Exchequer in Ireland, as Compensation,

Preamble.

Authorizing certain Monies to be paid into the Bank of Ireland to the Credit of the Accountant

General of the Court of Chancery.

pensation, under any such Act or any Act incorporated therewith, it shall be lawful to pay such Money into the Bank of Ireland in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, to be placed to his Account there and to be dealt with in like Manner as authorized by the recited Act with respect to Accounts transferred thereunder from the Court of Exchequer in Ireland to the Court of Chancery, and as fully and in all respects, and with like Powers in relation thereto, as if the said Court of Chancery had in any such Public General or Local and Personal Act as aforesaid been named therein instead of the Court of Exchequer in Ireland.

Court of Exchequer.

(Ireland.)

A

B I L L

To amend the Provisions of the Court of Exchequer (Ireland) Act, 1850.

(*Prepared and brought in by Mr. Cairns, Lord Edwin Hill, and Mr. Macartney*).

Ordered, by The House of Commons, *to be Printed*, 14 *June* 1855.

[Bill 170.]

Under 1 *oz.*

13 *July* 1855. 18 & 19 Vict.

A

BILL

TO

Amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca.

WHEREAS by Letters Patent of His late Majesty King George the Fourth His said late Majesty ordained that there should be within the Settlement of Prince of Wales Island, Singapore, and Malacca a Court of Judicature to be holden before the Governor and the Resident Councillor for the Time being of the Station where the Court should be held, as Two of the Judges of the said Court, and before One other Judge called the Recorder of Prince of Wales Island, Singapore, and Malacca: And whereas by Letters Patent of His late Majesty King William the Fourth, granted under the Powers of the Act of the Sixth and Seventh Years of His Reign, Chapter Eighty-three, His said late Majesty granted to the said Court of Judicature the Powers of a Court of Admiralty: And whereas by Letters Patent of Her present Majesty, granted in the present Year of Her Reign, Her said Majesty has ordained that the said Court of Judicature should consist of Two Courts or Divisions, One of which shall be holden within the Stations of Singapore and Malacca before the Governor or President and the Resident Councillor for the Time being of the Station, where the Preamble.

same

same shall be held, and before One other Judge called the Recorder of Singapore, and the other of which Courts or Divisions shall be holden within the Station of Prince of Wales Island before the said Governor or President and the Resident Councillor for the Time being of the Station where the same shall be held, and before the other Judge, who shall be called the Recorder of Prince of Wales Island, and that all the Powers of the said Court of Judicature shall and may be exercised by each of the said Courts or Divisions, together with various other Provisions concerning the same: And whereas, in consequence of the Alteration made by the last-mentioned Letters Patent in the Constitution of the said Court of Judicature, it is desirable to amend the several Acts of Parliament herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Provisions of 6 G. 4. c. 85. ss. 5. 7. 13. 14. and 16. to apply to the Two Recorders.

I. The Provisions contained in the Statute of the Sixth Year of George the Fourth, Chapter Eighty-five, Sections Five, Seven, Thirteen, Fourteen, and Sixteen, respecting the Recorder of the Court of Judicature of Prince of Wales Island, and respecting the Grant of an Allowance to him on Retirement, and respecting the Computation of the Time of Residence in case he shall be appointed a Judge of One of the Supreme Courts in India, shall apply to the Recorder of Singapore and to the Recorder of Prince of Wales Island respectively, and Residence partly as one and partly as the other of such Recorders shall be reckoned as if such Residence had been wholly in the same Capacity: Provided always, that (save and except only in the Case of the present Recorder of Singapore, who was appointed to the Office of Recorder of Prince of Wales Island, Singapore, and Malacca prior to the lastly-recited Letters Patent,) it shall not be lawful to grant to any Recorder of Singapore, or Recorder of Prince of Wales Island any larger retiring Allowance than the Sum of *Five hundred Pounds*, unless he shall have resided as Recorder for *Ten* Years, nor if he shall have resided for that Period any larger Allowance than the Sum of *Eight hundred Pounds*.

Sum to be paid to any Recorder for Equipment and Voyage.

II. In lieu of the Sum which by the Act of the Fifty-third Year of George the Third, Chapter One hundred and fifty-five, Section Eighty nine, is directed to be paid to any Recorder of Prince of Wales Island for the Expenses of his Equipment and Voyage, the Court of Directors of the East India Company shall pay to the Person who by the said Letters Patent of Her Majesty has been appointed Recorder of Prince of Wales Island, and to every Person to be hereafter appointed Recorder of Singapore or Recorder of Prince of Wales Island who shall be resident in the United Kingdom at the Time

Time of his Appointment, for the Purpose of defraying the Expenses of his Equipment and Voyage, the Sum of *Five hundred Pounds*.

Court for Relief of Insolvent Debtors may be held by either of the Recorders.

III. The Court for Relief of Insolvent Debtors, which by the Statute of the Eleventh and Twelfth Years of Her present Majesty, Chapter Twenty-one, Section Eighty-eight, is directed to be held within the said Settlement, may henceforth be held by the Recorder of Singapore and by the Recorder of Prince of Wales Island respectively, each of whom is hereby empowered and required to hold such Court, and to appoint proper Officers, Assignees, and Examiners for enabling the Provisions of such Act to be carried into effect, and to establish Rules as to the Advocates and Attornies and Agents who may practise in the said Court before such Recorder; and the several other Powers given by the said Act to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca shall and may be henceforth exercised by the Governor of the said Settlement and the said Recorders, or by any Two of them.

Act 6&7 W. 4. c. 53. to apply to the present Charter, which is confirmed.

IV. The Act of the Sixth and Seventh Years of King William the Fourth, Chapter Fifty-three, for enabling His late Majesty, by Letters Patent, to grant Admiralty Jurisdiction to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, shall be construed to apply to the said Letters Patent or Charter of Her present Majesty, and such Charter is hereby in all respects ratified and confirmed: And whereas Doubts have been entertained whether the Provisions of the Act of the Sixth George the Fourth, Chapter Eighty-five, respecting the Grant of Allowances to the Judges of the Superior Courts in India on Retirement, apply to Cases where the required Period of Residence as a Judge has been partly as a Judge of one and partly as a Judge of another of the said Supreme Courts: Be it enacted, That for the Purpose of the said last-mentioned Provisions Residence in India as a Judge of any of the said Supreme Courts (though such Residence shall have been partly as a Judge of one of the said Supreme Courts and partly as a Judge of another of such Courts) shall be computed and reckoned as Residence as a Judge of the Supreme Court to which the Judge shall belong at the Time of his Retirement: Provided always, that in the Case of any Judge retiring from the Supreme Court of Judicature at Fort William whose Period of Residence in India as a Judge shall have been partly as a Judge of the Supreme Court at Madras or Bombay, it shall not be lawful to grant to such Judge any larger Allowance than might have been granted if he had been during his whole Period of Residence a Judge of the Supreme Court at Madras or Bombay, unless he shall have resided as a Judge of the Supreme Court at Fort William for *Five* Years at the least.

Court of Judicature (Prince of Wales Island).

A

BILL

To amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca.

(Prepared and brought in by Mr. Vernon Smith, Mr. Seymour, and Mr. Wigram.)

Ordered, by The House of Commons, *to be Printed*
13 *July* 1855.

[Bill 246.]

Under 1 *oz.*

1855. 18 Vict.

(Scotland.)

A

BILL

TO

Regulate Procedure in the Court of Session in Scotland.

Preamble.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Copy of Partibus to set forth Lord Ordinary and Division.

I. In the Copy of the Partibus lodged with the Summons, Advocation, or Suspension there shall be set forth the Name of the Division of the Court and of the Lord Ordinary before whom the Party desires the Cause to be enrolled, and the Cause shall be lodged in the Office of the Clerk of such Lord Ordinary, and the Clerk with whom the same is lodged shall mark on the said Copy of the Partibus its Number in the List of new Causes taken up by him, and such numbering shall be according to the Order in point of Time in which such new Causes have been given in to him to be enrolled for calling.

Causes in Calling List to be equally apportioned.

II. The Clerk taking charge of the Calling Lists shall, prior to Publication thereof, divide the whole Number of Causes enrolled in each Calling List as nearly as may be equally between the Two Divisions and among the Lords Ordinary in manner herein-after directed, and if there be not a sufficient Number of Causes to give to each Lord Ordinary an equal Number, shall give to the Senior Lord

Ordinary

Ordinary the larger Number, and shall set forth in the Calling List the Division and the Lord Ordinary to which each Cause is appropriated, and such Causes shall be brought before the Division and the Lord Ordinary so set forth.

How Causes to be apportioned.

III. In making such Division the Clerk shall apportion the Causes to the Division and the Lord Ordinary set forth in the Copy of the Partibus in the Order of the Numbers on such Copies until the full Number proper to be enrolled before either Division or before any Lord Ordinary respectively has been made up, and shall apportion the remaining Causes respectively to the other Division, and as equally as may be, among the other Lords Ordinary.

Sequestrations and BillChamber Causes brought into Inner House without having been enrolled in Outer House, weekly Roll to be allotted equally to Divisions of Inner House.

IV. All Sequestrations, and all Bill Chamber Causes that may be brought into the Inner House of the said Court by Reclaiming Note, Appeal, or otherwise, without having been enrolled in the Outer House weekly Rolls, shall be allotted in Proportions, as nearly equal as may be, and by a uniform System of Distribution, to the two Divisions of the Inner House.

Summary Applications may be remitted to the other Division.

V. It shall be lawful for either Division of the Court to remit to the other Division summary Applications made by Petition to the Inner House, to the Extent and in the Manner which such Division may consider expedient, with a View to the Despatch of Business.

Causes depending at Date of Act before Lords Ordinary not having been before Inner House to be distributed so as to equalize the Business of the Two Divisions.

VI. All the Causes which shall, at the Date when this Act comes into operation, be depending before any Lord Ordinary, and which shall not have been at any Time before either Division in the Inner House, shall be distributed between the Two Divisions in such Manner as shall best tend to equalize the Business of the Two Divisions, at as early a Date as may be, and to preserve such Equality, regard being had to the relative Numbers of the Causes then depending which have been at any Time or which may then be before either Division in the Inner House, and which are to continue to belong to such Division.

Power to Court to make Regulations.

VII. The Court of Session shall have Power to make such Regulations by Act of Sederunt as may seem necessary to carry the Provisions of this Act into effect.

Court of Session.

(Scotland.)

A

BILL

To regulate Procedure in the Court of Session in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Attorney General.*)

Ordered, by the House of Commons, *to be Printed,* 16 *April* 1855.

[Bill 76.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.

WHEREAS an Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act for the better "Prevention of Crime and Outrage in certain Parts of Ireland until "the First Day of December One thousand eight hundred and forty-"nine, and to the End of the then next Session of Parliament:" And whereas by the Acts of the Fifteenth and Sixteenth Victoria, Chapter Sixty-six, Sixteenth and Seventeenth Victoria, Chapter Seventy-two, and Seventeenth and Eighteenth Victoria, Chapter Ninety-two, the said firstly-recited Act has been from Time to Time continued until the Thirty-first Day of August One thousand eight hundred and fifty-five: And whereas it is expedient that the said first-recited Act should be further continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

11 & 12 Vict. c. 2.

15 & 16 Vict. c. 66.

16 & 17 Vict. c. 72.

17 & 18 Vict. c. 92.

Recited Act continued.

I. The said first-recited Act shall (except the Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Nineteenth Sections thereof) be and continue in full Force and Effect until the Thirty-first Day of August One thousand eight hundred and fifty-six.

Crime and Outrage (Ireland) Act Continuance.

A

BILL

INTITULED

An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland.

(*Brought from the Lords* 25 *July* 1855.)

Ordered, by The House of Commons, *to be Printed,* 25 *July* 1855.

[Bill 271.]

Under 1 *oz.*

8°/1

Criminal Justice Bill.

ARRANGEMENT OF CLAUSES.

Larceny, where the Property stolen is not above 10*s.* in Value, and Attempts at Larceny from the Person, or other Larceny, punishable on summary Conviction, unless the Accused object; Sect. 1.

Justices to ask the Accused whether he objects to the Charge being summarily determined; 2.

Persons charged with Larceny, Embezzlement, or obtaining Property by false Pretences, may plead guilty before the examining Justices, and be sentenced forthwith. Justices to warn the Accused that he is not obliged to plead; 3.

Power to remand Persons charged to Petty Sessions; 4.

Forfeited Recognizances to be transmitted to the Clerk of the Peace; 5.

Effect of Conviction; 6.

Convictions to be returned to the Quarter Sessions; 7.

Justices may order Restitution of stolen Property; 8.

Justices may order Payment of Expenses of Complainant and Witnesses. [*Proposed to be inserted in Committee.*]

No Certiorari, &c.; 9.

Proceedings under this Act a Bar to further Proceedings; 10.

Any Metropolitan Police Magistrate or Stipendiary Magistrate may act alone; 11.

Town Hall, Court House, &c., of County, City, or Borough to be used for Petty Sessions held under this Act; 12.

Construction of "Property"; 13.

Extent of Act; 14.

SCHEDULE.

A

BILL

INTITULED

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Larceny, where the Property stolen is not above 10*s.* in Value, and Attempts at Larceny from the Person, or other Larceny, punishable on summary Conviction, unless the Accused object.

I. Where any Person is charged before any Justices of the Peace in Petty Sessions assembled with having committed Simple Larceny, or any Offence punishable as Simple Larceny, and the Value of the Property stolen does not, in the Judgment of such Justices, exceed Ten Shillings, or with having attempted to commit Larceny from the Person, or Simple Larceny or any Offence punishable as Simple Larceny, it shall be lawful for such Justices to hear and determine the Offence in a summary Way, and if they find the same to be proved to convict the Person charged, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Six Months, and if they find the Offence not proved they shall dismiss the Charge, and make out and deliver to the Person charged a Certificate under their

their Hands, stating the Fact of such Dismissal; and every such Conviction and Certificate respectively may be in the Forms (A.) and (B.) in the Schedule to this Act or to the like Effect: Provided always, that if the Person charged object to have the Case heard and determined by such Justices, or it appear to such Justices that the Offence is one which, owing to a previous Conviction of the Party charged, is punishable by Law with Transportation or Penal Servitude, or if such Justices be of opinion that the Charge is from any other Circumstances fit to be made the Subject of Prosecution by Indictment, rather than to be disposed of summarily, such Justices shall, instead of summarily adjudicating thereon, deal with the Case in all respects as if this Act had not been passed.

Justices to ask the Accused whether he objects to the Charge being summarily determined.

II. Where the Justices before whom any Person is charged as aforesaid propose to dispose of the Case summarily under the foregoing Provision, One of such Justices shall, before asking the Person charged if he have any Cause to show why he should not be convicted, say to him these Words or Words, to the like Effect: "If you "do not wish the Charge against you to be summarily determined "by us, you must now object to our deciding it;" and if such Person so object, such Justices shall proceed with the Charge as if this Act had not been passed.

Persons charged with Larceny, Embezzlement, or obtaining Property by false Pretences, may plead guilty before the examining Justices, and be sentenced forthwith.

Justices to warn the Accused that he is not obliged to plead.

III. Where any Person is charged before any Justices of the Peace in Petty Sessions assembled with Simple Larceny, or any Offence punishable as Simple Larceny (the Property stolen exceeding in Value Ten Shillings), or stealing from the Person, or Embezzlement, or obtaining Property by false Pretences, or attempting to obtain Property by false Pretences, and the Evidence, when the Case on the Part of the Prosecution has been completed, and the Statement of the Accused taken as by Law required, is in the Opinion of such Justices sufficient to put the accused Party on his Trial for the Offence with which he is charged, such Justices may, if the Case appear to them to be one which may properly be disposed of in a summary Way and may be adequately punished by virtue of the Powers of this Act, ask the said accused Party whether he wishes to plead guilty to the Charge preferred against him, and in case he so plead guilty such Justices may thereupon cause such Plea to be entered, and may convict him of such Offence, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for any Term not exceeding One Year; and every such Conviction may be in the Form (C.) in the Schedule to this Act or to the like Effect: Provided always, that the said Justices, before they allow any Person to plead guilty under this Provision, shall explain to him that he is not obliged to plead before them at all, and that if he do not plead

plead guilty before them he will be committed for Trial in the usual Course.

Power to remand Persons charged to Petty Sessions.

IV. Where any Person is charged before any Justice or Justices with any Offence mentioned in this Act, and in the Opinion of such Justice or Justices the Case may be proper to be disposed of by Justices in Petty Sessions assembled under any of the Provisions of this Act, the Justice or Justices before whom such Person is charged may, if he or they see fit, remand the Accused for further Examination to the Petty Sessions; and may, in the meantime, commit him to the House of Correction, or some other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices think fit; or may suffer the Accused to go at large upon his entering into a Recognizance with a Surety or Sureties, or (if to such Justice or Justices under any special Circumstances it seem expedient) without Surety, conditioned for his Appearance at the Time and Place at which such Sessions will be holden.

Forfeited Recognizances to be transmitted to the Clerk of the Peace.

V. If any Person suffered to go at large upon entering into such Recognizance as aforesaid do not afterwards appear at the Time and Place mentioned in such Recognizance, then the Justices before whom he ought to have appeared, or any Two of them, upon certifying on the Back of the Recognizance the Non-appearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County or Place within which such Recognizance was taken, to be proceeded upon in like Manner as other Recognizances; and such Certificate shall be deemed sufficient primâ facie Evidence of such Non-appearance of the said accused Party.

Effect of Conviction.

VI. Every Conviction by Justices in Petty Sessions under this Act shall have the Effect of a Conviction for the same Offence before any Court of competent Jurisdiction.

Convictions to be returned to the Quarter Sessions.

VII. The Justices by whom any Person is convicted under this Act shall transmit the Conviction, with the written Information (if any), the Depositions of the Witnesses, the Statement of the Accused, and a Certificate signed by the Justices or presiding Justice, stating that the Party convicted has not objected to the Charge being summarily disposed of or has pleaded "Guilty," as the Case may be, to the next Court of General or Quarter Sessions which may be holden for the County or Place wherein the Offence was committed, there to be kept by the proper Officer among the Records of the Court; and upon any Indictment or Information against any Person for a subsequent Offence, or in any Proceeding before Justices in Petty Sessions, a Copy of such Conviction, certified by the proper Officer of the Court,

or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the Offence mentioned therein.

Justices may order Restitution of stolen Property.

VIII. No Conviction under the Authority of this Act shall be attended with any Forfeiture, but it shall be lawful for the Justices by whom any Person is convicted under this Act to order Restitution of the Property stolen, in those Cases in which the Court before whom the Person convicted would have been tried but for this Act may be by Law authorized to order Restitution.

Justices may order Payment of Expenses of Complainant and Witnesses.

Where any Charge is summarily adjudicated upon under this Act, or an Offender is under this Act convicted by Justices in Petty Sessions upon a Plea of "Guilty," it shall be lawful for the Justices by whom such Charge has been adjudicated upon or Offender convicted, upon the Request of any Person who has preferred the Charge or appeared to give Evidence in relation thereto, if such Justices think fit so to do, to grant a Certificate to such Person of the Amount of the Compensation which such Justices may deem reasonable for his Expenses, Trouble, and Loss of Time therein, subject nevertheless to the Regulations made or to be made as herein-after mentioned; and every such Certificate shall have the Effect of an Order for the Payment of the Expenses of a Prosecution made under the Act of the Seventh Year of King George the Fourth, Chapter Sixty-four, and the Acts amending the same; and the Amount mentioned in such Certificate shall be paid in like Manner as the Money mentioned in such Order; and all Certificates to be granted under this Act shall be subject to the like Regulations made or to be made in relation thereto as the Certificates mentioned in the said Act of the Seventh Year of King George the Fourth to be granted by examining Magistrates are or may be subject to under the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five.

No Certiorari, &c.

IX. Every Conviction, Sentence, or Proceeding under this Act shall be deemed final and conclusive, and shall not be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment upon a Conviction shall be held void by reason of any Defect therein, if it be therein alleged that the Offender has been convicted, and there be a good and valid Conviction to sustain the same.

Proceedings under this Act a Bar to further Proceedings.

X. Every Person who obtains a Certificate of Dismissal, or is convicted under this Act, shall be released from all further or other Proceedings for the same Cause.

Any Metropolitan Police Ma-

XI. Any One of the Magistrates appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the

the Metropolitan Police District, or any Stipendiary Magistrate appointed for any City, Town, Liberty, or Borough, and sitting at a Police Court or other Place appointed in that Behalf, may, in the Case of Persons charged before such Magistrate, do alone all Acts by this Act authorized to be done by Justices of the Peace in Petty Sessions assembled, and all the Provisions of this Act referring to Justices in Petty Sessions shall be read and construed as referring also to such Magistrate.

gistrate or Stipendiary Magistrate may act alone.

XII. In every Town or Place where any Petty Sessions shall be holden under the Provisions of this Act, the Town Hall, Court House, or other public Building belonging to any County, City, Borough, or Town, shall be used for the Purpose of holding the Courts of Petty Sessions held under this Act, without any Charge for Rent or other Payment, save and except the reasonable and necessary Charges for lighting, warming, and cleaning, when such public Building is used for the Purpose of holding such Courts of Petty Sessions, and for all other Expenses necessarily incidental to the Use of the said Building for the Purposes of the said Courts: Provided always, that the necessary Arrangements shall be made so that the Sittings of the said Courts of Petty Sessions shall not interfere with the Business of the County, City, Borough, or Town usually transacted in such Town Hall, Court House, or other public Building, or any Purpose for which such Town Hall, Court House, or other public Building may be used by virtue of any Local Act in that Behalf.

Town Hall, CourtHouse, &c. of County, City, or Borough to be used for Petty Sessions held under this Act.

XIII. In the Construction of this Act the Word "Property" shall be deemed to include every thing included under the Words "Chattel, Money, or valuable Security," as used in the Act of the Session holden in the Seventh and Eighth Years of King George the Fourth, Chapter Twenty-nine; and in the Case of any "valuable Security" the Value of the Share, Interest, or Deposit to which the Security may relate, or of the Money due thereon or secured thereby, and remaining unsatisfied, or of the Goods or other valuable Thing mentioned in the Warrant or Order, shall be deemed to be the Value of such Security.

Construction of "Property."

XIV. This Act shall not extend to Scotland.

Extent of Act.

SCHEDULE.

FORM (A.)

Conviction.

to wit. } Be it remembered, that on the Day of in the Year of our Lord , at in the said [County], *A.B.* being charged before us the undersigned of Her Majesty's Justices of the Peace for the said County, and not objecting to our deciding the Charge against him summarily, is convicted before us for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed, and in any Case of simple Larceny or of any Offence punishable as simple Larceny, stating also that the Value of the Property stolen does not in the Judgment of the Justices exceed Ten Shillings*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of .

Given under our Hands and Seals the Day and Year first above mentioned, at in the County aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (B.)

Certificate of Dismissal.

to wit. } We of Her Majesty's Justices of the Peace for the County of certify that on the Day of in the Year of our Lord at in the said [County] *A.B.* was charged before us for that [he the said *A.B., stating the Offence charged, and the Time and Place when and where alleged to be committed*]; and that we did, having summarily adjudicated thereon, dismiss the said Charge.

Given under our Hands and Seals this Day of at in the County aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM

FORM (C.)

Conviction upon a Plea of Guilty.

to wit. } Be it remembered, that on the Day of in the Year of our Lord at in the said [County], *A.B.* being charged before as the undersigned of Her Majesty's Justices of the Peace for the said [County] for that [he the said *A.B. &c., stating the Offence, and the Time and Place when and where committed*], and pleading Guilty to such Charge, he is thereupon convicted before us of the said Offence; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of .

Given under our Hands and Seals, the Day and Year first above mentioned, at in the County aforesaid.

J.S. (L.S.)
H.M. (L.S.)

Criminal Justice.

A

BILL

INTITULED

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

(*Brought from the Lords* 20 *March* 1855.)

Ordered, by The House of Commons, *to be Printed,*
20 March 1855.

[Bill 61.]

Under 2 oz.

Criminal Justice Bill.

ARRANGEMENT OF CLAUSES.

Larceny, where the Property stolen is not above 5*s*. in Value, receiving such Property, and Attempts at Larceny, punishable on summary Conviction, unless the Accused object; Sect. 1.

Justices to ask the Accused whether he consents to the Charge being summarily determined; 2.

Persons charged with Larceny, Embezzlement, or obtaining or attempting to obtain Property by false Pretences may plead guilty before Justices in Petty Sessions, and be sentenced forthwith. Justices to warn the Accused that he is not obliged to plead; 3.

Power to remand Persons charged to Petty Sessions; 4.

Forfeited Recognizances to be transmitted to the Clerk of the Peace; 5.

Convictions and other Proceedings to be returned to the Quarter Sessions; 6.

Justices may order Restitution of Property; 7.

Clause A. Petty Sessions under this Act to be an open Court, and held for Petty Sessional Division. Notice of holding; 8.

Clause B. 11 & 12 Vict. c. 43. not to apply to Proceedings under this Act; 9.

Effect of Conviction; 10.

Proceedings under this Act a Bar to further Proceedings; 11.

No Conviction to be quashed for Want of Form; 12.

Clause C. Justices may order Payment of Expenses; 13.

Town Hall, Court House, &c., of County, City, or Borough may be used for Petty Sessions held under this Act; 14.

Any Metropolitan Police Magistrate or Stipendiary Magistrate may act alone; 15.

Clause D. Saving of Juvenile Offenders Acts, 10 & 11 Vict. c. 82. and 13 & 14 Vict. c. 37;—16.

Clause E. Compensation to Clerks of Peace and other Officers; 17.

Clause F. Provisions of 15 & 16 Vict. c. 73. for Payment by Salary in lieu of Fees to Clerks of Assize for their Duties as Associates extended to the whole Office of Clerk of Assize, &c.; 18.

Clause G. Provisions for Payment of Wages to Justices and their Clerks repealed; 19.

Clause H. In Cases of Injuries to Property, Parties aggrieved may receive Compensation, though examined as Witnesses; 20.

Interpretation Clause; 21.

Extent of Act; 22.

Schedule.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

[Note.—*The Clauses marked* A. *to* K. *were added by the Select Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Larceny, where the Property stolen is not above 5*s.* in Value, receiving such Property, and Attempts at Larceny, punishable on summary Conviction, unless the Accused object.

I. Where any Person is charged before any Justices of the Peace assembled at such Petty Sessions as herein-after provided with having committed Simple Larceny, and the Value of the whole of the Property alleged to have been stolen does not, in the Judgment of such Justices, exceed Five Shillings, or with having received such Property or any Part thereof, knowing it to have been stolen, or with having attempted to commit Larceny from the Person, or Simple Larceny, it shall be lawful for such Justices to hear and determine the Charge in a summary Way, and if the Person charged shall confess the same, or if such Justices, after hearing the whole Case for the Prosecution and for the Defence, shall find the Charge to be proved, then it shall be lawful for such Justices to convict the Person charged, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for any Period not exceeding Three Calendar

Months, and if they find the Offence not proved they shall dismiss the Charge, and make out and deliver to the Person charged a Certificate under their Hands, stating the Fact of such Dismissal; and every such Conviction and Certificate respectively may be in the Forms (A.) and (B.) in the Schedule to this Act, or to the like Effect: Provided always, that if the Person charged do not consent to have the Case heard and determined by such Justices, or if it appear to such Justices that the Offence is one which, owing to a previous Conviction of the Person charged, is punishable by Law with Transportation or Penal Servitude, or if such Justices be of opinion that the Charge is, from any other Circumstances, fit to be made the Subject of Prosecution by Indictment, rather than to be disposed of summarily, such Justices shall, instead of summarily adjudicating thereon, deal with the Case in all respects as if this Act had not been passed: Provided also, that if upon the Hearing of the Charge such Justices shall be of opinion that there are Circumstances in the Case which render it inexpedient to inflict any Punishment, they shall have Power to dismiss the Person charged, without proceeding to a Conviction.

Justices to ask the Accused whether he consents to the Charge being summarily determined.

II. Where the Justices before whom any Person is charged as aforesaid propose to dispose of the Case summarily under the foregoing Provisions, One of such Justices, after the Examinations of all the Witnesses for the Prosecution have been completed, and before calling upon the Person charged for any Statement which he may wish to make, shall state to such Person the Substance of the Charge against him, and shall then say to him these Words, or Words to the like Effect: "Do you consent that the Charge against "you shall be tried by us, or do you desire that it shall be sent for "Trial by a Jury at the Sessions or Assizes" (as the Case may be); and if the Person charged shall consent to the Charge being summarily tried and determined as aforesaid, then the Justices shall reduce the Charge into Writing, and read the same to such Person, and shall then ask him whether he is guilty or not of such Charge; and if such Person shall say that he is guilty, the Justices shall then proceed to pass such Sentence upon him as may by Law be passed, subject to the Provisions of this Act in respect to such Offence; but if the Person charged shall say that he is not guilty, the Justices shall then inquire of such Person whether he has any Defence to make to such Charge, and if he shall state that he has a Defence the Justices shall hear such Defence, and then proceed to dispose of the Case summarily.

Persons charged with Larceny, Embezzlement, or obtaining or attempting

III. Where any Person is charged before any Justices at such Petty Sessions as aforesaid with Simple Larceny (the Property alleged to have been stolen exceeding in Value Five Shillings), or stealing from the Person, or Larceny as a Clerk or Servant, or Embezzlement, or obtaining

obtaining Property by false Pretences, or attempting to obtain Property by false Pretences, and the Evidence, when the Case on the Part of the Prosecution has been completed, is in the Opinion of such Justices sufficient to put the Person charged on his Trial for the Offence with which he is charged, such Justices, if the Case appear to them to be one which may properly be disposed of in a summary Way, and may be adequately punished by virtue of the Powers of this Act, shall reduce the Charge into Writing, and shall read it to the said Person, and shall then ask him whether he is guilty or not of the Charge; and if such Person shall say that he is guilty such Justices shall thereupon cause a Plea of guilty to be entered upon the Proceedings, and shall convict him of such Offence, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for any Term not exceeding Six Calendar Months; and every such Conviction may be in the Form (C.) in the Schedule to this Act, or to the like Effect: Provided always, that the said Justices, before they ask such Person whether he is guilty or not, shall explain to him that he is not obliged to plead or answer before them at all, and that if he do not plead or answer before them he will be committed for Trial in the usual Course.

to obtain Property by false Pretences, may plead guilty before Justices in Petty Sessions, and be sentenced forthwith. Justices to warn the Accused that he is not obliged to plead.

IV. Where any Person is charged before any Justice or Justices with any Offence mentioned in this Act, and in the Opinion of such Justice or Justices the Case may be proper to be disposed of by Justices in Petty Sessions under this Act, the Justice or Justices before whom such Person is so charged may, if he or they see fit, remand such Person for further Examination to the next Petty Sessions, in like Manner in all respects as a Justice or Justices are authorized to remand a Party accused under the Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-two, Section Twenty-one, or under the Petty Sessions Act (Ireland), 1851, Section Fourteen.

Power to remand Persons charged to Petty Sessions.

V. If any Person suffered to go at large upon entering into such Recognizance as the Justice or Justices are authorized under the last-mentioned Act to take on the Remand of a Party accused do not afterwards appear pursuant to such Recognizance, then the Justices before whom he ought to have appeared shall certify (under the Hands of Two of them) on the Back of the Recognizance, to the Clerk of the Peace of the County or Place, the Fact of such Non-appearance, and such Recognizance shall be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient primâ facie Evidence of such Nonappearance.

Forfeited Recognizances to be transmitted to the Clerk of the Peace.

VI. The Justices by whom any Person is convicted under this Act shall transmit the Conviction, with the written Charge, the Depositions of

Convictions and other Proceedings

to be returned to the Quarter Sessions.

of the Witnesses for the Prosecution and for the Defence, and the Statement of the Accused, to the next Court of General or Quarter Sessions for the County or Place, there to be kept by the proper Officer among the Records of the Court; and a Copy of such Conviction, certified by the proper Officer of the Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the Offence mentioned therein in any legal Proceeding whatever.

Justices may order Restitution of Property.

VII. It shall be lawful for the Justices by whom any Person is convicted under this Act to order Restitution of the Property stolen, taken, or obtained by false Pretences, in those Cases in which the Court before whom the Person convicted would have been tried but for this Act may be by Law authorized to order Restitution.

Clause A. Petty Sessions under this Act to be an open Court, and held for Petty Sessional Division.—Notice of holding.

VIII. Every Petty Sessions for the Purposes of this Act shall be an open Public Court, and shall be the Petty Sessions holden for a Petty Sessional Division; and a written or printed Notice of the Days and Hours for holding such Petty Sessions shall be posted or affixed by the Clerk to the Justices of Petty Sessions upon the Outside of some conspicuous Part of the Building or Place where the same are held.

Clause B. 11 & 12 Vict. c. 43. not to apply to Proceedings under this Act.

IX. The Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, shall not be construed as applying to any Proceeding under this Act.

Effect of Conviction.

X. Every Conviction by Justices in Petty Sessions under this Act shall have the same Effect as a Conviction upon Indictment for the same Offence would have had, save that no Conviction under this Act shall be attended with any Forfeiture.

Proceedings under this Act a Bar to further Proceedings.

XI. Every Person who obtains a Certificate of Dismissal or is convicted under this Act shall be released from all further or other Proceedings for the same Cause.

No Conviction to be quashed for Want of Form.

XII. No Conviction, Sentence, or Proceeding under this Act shall be quashed for Want of Form; and no Warrant of Commitment upon a Conviction shall be held void by reason of any Defect therein, if it be therein alleged that the Offender has been convicted, and there be a good and valid Conviction to sustain the same.

Clause C. Justices may order Payment of Expenses.

XIII. Where any Charge is summarily adjudicated upon under this Act, or an Offender is under this Act convicted by Justices in Petty Sessions upon a Plea of "Guilty," it shall be lawful for the Justices by whom such Charge has been adjudicated upon or Offender convicted,

upon

upon the Request of any Person who has preferred the Charge or appeared to prosecute or give Evidence against the Person charged, if such Justices think fit so to do, to grant a Certificate to such Person of the Amount of the Compensation which such Justices may deem reasonable for his Expenses, Trouble, and Loss of Time therein, subject nevertheless to the Regulations made or to be made as herein-after mentioned; and every such Certificate shall, when granted in England, have the Effect of an Order of Court for the Payment of the Expenses of a Prosecution made under the Act of the Seventh Year of King George the Fourth, Chapter Sixty-four, and the Acts amending the same, and when granted in Ireland shall have the Effect of an Order of Court for the Payment of the Expenses of a Prosecution made under the Act of the Fifty-fifth Year of King George the Third, Chapter Ninety-one, and the Acts amending the same; and the Amount mentioned in such Certificate shall be paid in like Manner as the Money mentioned in such Order of Court; and all Certificates to be granted under this Act shall be subject to the like Regulations made or to be made in relation thereto as the Certificates mentioned in the said Act of the Seventh Year of King George the Fourth to be granted by examining Magistrates are or may be subject to under the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five: Provided also, that the Amount of the Fees payable to the Clerks of the Magistrates in Petty Sessions, in respect of any Proceeding under this Act, and of the Fees payable to the Clerks of the Peace for filing the Depositions, Conviction, or Certificate of Dismissal aforesaid, and of all such Expenses of apprehending the Person charged, and detaining him in Custody, and of such other Expenses as are now by Law payable when incurred before a Commitment for Trial, may be added to the Certificate for Compensation aforesaid, and paid in the like Manner.

Town Hall, CourtHouse, &c. of County, City, or Borough may be used for Petty Sessions held under this Act.

XIV. In every City, Borough, Town or Place in England where any Petty Sessions shall be holden under this Act, the Town Hall, Court House, or other public Building therein belonging to any County, City, Borough, Town, or Place, or any Court House in such City, Borough, Town, or Place provided by the Commissioners of Her Majesty's Treasury, under the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, may be used for the Purpose of holding such Petty Sessions, without any Charge for Rent or other Payment, save and except the reasonable and necessary Charges for lighting, warming, and cleaning, when such public Building is used for the Purpose of holding such Courts of Petty Sessions, and for all other Expences necessarily incidental to the Use of the said Building for the Purposes of the said Courts: Provided always, that the necessary Arrangements shall be made so

that the Sittings of the said Courts of Petty Sessions shall not interfere with the Business of the County, City, Borough, Town, or Place or other Business usually transacted in such Town Hall, Court House, or other public Building, or any Purpose for which any such Town Hall, Court House, or other public Building may be used by virtue of any Act of Parliament in that Behalf.

Any Metropolitan Police Magistrate or Stipendiary Magistrate may act alone.

XV. Any One of the Magistrates appointed to act at any of the Police Courts of the Metropolis, and sitting at a Police Court within the Metropolitan Police District, or any Magistrate appointed to act at the Police Courts of the Dublin Metropolitan District, and sitting at a Police Court within the said District, or any Stipendiary Magistrate appointed for any City, Town, Liberty, or Borough, and sitting at a Police Court or other Place appointed in that Behalf, may, in the Case of Persons charged before such Magistrate, do alone all Acts by this Act authorized to be done by Justices of the Peace in Petty Sessions, and all the Provisions of this Act referring to Justices in Petty Sessions shall be read and construed as referring also to such Magistrate.

Clause D. Saving of Juvenile Offenders Acts, 10 & 11 Vict. c. 82. and 13 & 14 Vict. c. 37.

XVI. Nothing in this Act shall affect the Provisions of the Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Eighty-two, "For the more speedy Trial and Punishment of Juvenile Offenders," or of the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-seven, "For the further Extension of Summary Jurisdiction in Cases of Larceny," or of the Summary Jurisdiction (Ireland) Act, 1851; and this Act shall not extend to Persons punishable under the said Acts, so far as regards Offences for which such Persons may be punished thereunder.

Clause E. Compensation to Clerks of Peace and other Officers.

XVII. And whereas the Fees and Emoluments of Clerks of the Peace for Counties and Boroughs, and of other Officers of the Courts of Quarter Sessions, in Criminal Proceedings, may be seriously diminished by the Operation and Effect of this Act, and it is just and reasonable that full Compensation for any such Loss should be made in respect thereof to such Clerks of the Peace and other Officers appointed before the passing of this Act: Be it enacted, That immediately after the passing of this Act the Commissioners of Her Majesty's Treasury shall, upon the Application of any such Clerk of the Peace or other Officer, by such Means and in such Manner as they may think proper, inquire into and ascertain the annual Amount, to be computed upon an Average of Five Years immediately preceding the passing of this Act, or of such shorter Period as such Clerk of the Peace or other Officer shall have been in Office, of the Fees

Fees and Emoluments in Criminal Prosecutions received by such Clerk of the Peace or other Officer; and the said Commissioners shall, upon the like Application, also ascertain, in such Manner as they may think proper, the total Amount of Fees and Emoluments in Criminal Prosecutions received by such Clerk of the Peace or other Officer during any Year after the passing of this Act; and the said Commissioners are hereby authorized and empowered, by Warrant under their Hands, to award to such Clerk of the Peace or other Officer the Deficiency, when and so often as the same shall occur, between the Amount so certified and the annual average Amount so ascertained as aforesaid, and the Sum so awarded shall be paid out of any Monies which may be provided by Parliament for that Purpose; provided, that in all Cases where any such Clerk of the Peace, by reason of his being paid by Salary, under an Order made by virtue of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-five, shall pay such Fees and Emoluments as aforesaid to the Treasurer of the County or Borough for which he is Clerk of the Peace, in aid of the County or Borough Rate, as the Case may be, such Deficiency, when so ascertained as aforesaid, shall be paid to the Treasurer of such County or Borough respectively.

CLAUSE F. Provisions of 15 & 16 Vict. c. 73. for Payment by Salary in lieu of Fees to Clerks of Assize for their Duties as Associates extended to the whole Office of Clerk of Assize, &c.

XVIII. And whereas by the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Seventy-three, certain Powers were granted and Provisions made for the Payment to the several Clerks of Assize of annual Sums for Salaries, and for the Expenses of their Office, in respect of their Duties as Associates, in lieu of the Fees and Emoluments appertaining to those Duties: And whereas it is expedient that the Principle of Payment by Salary in lieu of Fees should be further provided for, and that the Clerks of Assize should be so paid for the Performance of all their other Duties: Be it therefore enacted, That all Fees and Emoluments heretofore payable to the Clerks of Assize for the Performance of their Duties as Clerks of the Crown shall be and they are hereby abolished; and all the Powers and Provisions made by the before-mentioned Act, except as is herein-after provided, for the Payment of Clerks of Assize by Salary in lieu of Fees, in respect of their Duties as Associates, shall be and the same are hereby extended and made applicable to the Payment of Clerks of Assize by Salary, and the Expenses of their Offices, in lieu of Fees and Emoluments, for the Performance of their Duties as Clerks of the Crown and of all other Duties appertaining to the Office of Clerk of Assize: Provided always, that the Commissioners of Her Majesty's Treasury for the Time being shall fix and determine the Amount of Salary to be allowed to any subordinate Officer now employed or who shall hereafter be employed by any

Clerk of Assize, and shall be empowered to order the Payment of such Salary to the said Officers in the first instance, and not through the Medium of the Clerk of Assize: Provided also, that the Salaries and Expenses of the Officers of the said Clerks of Assize for the whole of their Duties on the Criminal and Civil Sides of the Court shall be paid out of any Monies which may be provided by Parliament for that Purpose.

CLAUSE G. 12 Ric. 2. c. 10. 14 Ric. 2. c. 12.

XIX. And whereas by Acts of the Twelfth and Fourteenth Years of King Richard the Second Payments are provided for Justices of the Peace and their Clerks in each County, as Wages by the Day for the Time of their Sessions, to be payable by the Sheriff, as therein mentioned, and in several Counties in England Sums are claimed from the Sheriffs and paid in respect of such statutory Wages, and it is expedient that such Payments should be discontinued: Be it therefore enacted, That so much of the several Acts of the Twelfth Year of King Richard the Second, Chapter Ten, and of the Fourteenth Year of King Richard the Second, Chapter Twelve, or of any other Act now in force as directs or authorizes the Payment of Wages to Justices of the Peace and their Clerks for the Time of their Sessions, shall be repealed.

Provisions for Payment of Wages to Justices and their Clerks repealed.

CLAUSE H. In Cases of Injuries to Property, Parties aggrieved may receive Compensation, though examined as Witnesses. 7 & 8 G. 4. c. 30. s. 32.

XX. And whereas it is expedient to amend the Law as to Witnesses in Cases of wilful or malicious Injuries to Property: Be it further enacted, That in all Cases where any Justice or Justices of the Peace have or shall hereafter have Power to order a Sum of Money to be forfeited and paid to the Party aggrieved, as Amends or Compensation for any Injury to Property Real or Personal, the Right of such Party to receive the Money so ordered to be paid shall not be affected by such Party having been examined as a Witness in Proof of the Offence, any Law or Statute to the contrary notwithstanding.

Interpretation Clause.

XXI. In the Interpretation of this Act, "County" shall be construed to include Riding, Parts, Liberty, and Division of a County; "Borough" to include City, County of a City or Town, and Town Corporate; "Property" to include everything included under the Words "Chattel, Money, or valuable Security," as used in the Act of the Session holden in the Seventh and Eighth Years of King George the Fourth, Chapter Twenty-nine; and in the Case of any "valuable Security" the Value of the Share, Interest, or Deposit to which the Security may relate, or of the Money due thereon or secured thereby, and remaining unsatisfied, or of the Goods or other valuable Thing mentioned in the Warrant or Order, shall be deemed to be the Value of such Security.

Extent of Act.

XXII. This Act shall not extend to Scotland.

SCHE-

SCHEDULE.

FORM (A.)

Conviction.

to wit. } Be it remembered, That on the Day of in the Year of our Lord , at in the said [County], *A.B.*, being charged before us the undersigned of Her Majesty's Justices of the Peace for the said [County], and consenting to our deciding upon the Charge summarily, is convicted before us, for that [he the said *A.B.*, *&c.*, *stating the Offence, and the Time and Place when and where committed*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [County] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (B.)

Certificate of Dismissal.

to wit. } We of Her Majesty's Justices of the Peace for the [County] of certify, That on the Day of in the Year of our Lord at in the said [County] *A.B.* being charged before us, and consenting to our deciding upon the Charge summarily, for that [he the said *A.B.*, *stating the Offence charged, and the Time and Place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said Charge.

Given under our Hands and Seals, this Day of at in the [County] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

FORM (C.)

Conviction upon a Plea of Guilty.

to wit. } Be it remembered, That on the Day of in the Year of our Lord at in the said [County], *A.B.*, being charged before us, the undersigned of Her Majesty's Justices of the Peace for the said [County], for that [he the said *A.B.*, *&c.*, *stating the Offence, and the Time and Place when and where committed*], and pleading Guilty to such Charge, he is thereupon convicted before us of the said Offence; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [County] aforesaid.

J.S. (L.S.)
H.M. (L.S.)

Criminal Justice.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

(*Brought from the Lords* 20 *March* 1855.)

Ordered, by The House of Commons, *to be Printed,* 24 May 1855.

[Bill 148.] *Under 2 oz.*

A

B I L L

FOR

The Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer.

Preamble.

WHEREAS in divers Proceedings instituted by or on behalf of the Crown against the Queen's Subjects in respect of Matters relating to the Revenue no Costs are recovered by the Crown, except in certain Cases, and no Costs are paid by the Crown to the Subject: And whereas it is expedient to assimilate the Law as to the Recovery of Costs in such Proceedings by or on behalf of the Crown to that in force as to Proceedings between Subject and Subject: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Costs to be recovered in Crown Suits by Crown when successful.

I. In all Informations, Actions, Suits, and other legal Proceedings instituted before any Court or Tribunal whatever by or on behalf of the Crown against any Subject of Her Majesty in respect of any Lands, Tenements, or Hereditaments, or of any Goods or Chattels, belonging or accruing to the Crown, the Proceeds whereof by any Act now in force or hereafter to be passed are to be carried to the

 Consolidated

Consolidated Fund of Great Britain and Ireland, or in respect of any Sum or Sums of Money due and owing to Her Majesty by virtue of any Vote of Parliament for the Service of the Crown, or of any Act of Parliament relating to the Public Revenue, Her Majesty's Attorney General shall be entitled to recover Costs for and on behalf of Her Majesty, where Judgment shall be given for the Crown, in the same Manner, and under the same Rules, Regulations, and Provisions, as are or may be in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and such Costs shall be paid into the Consolidated Fund.

Defendant entitled to Costs if successful.

II. If in any such Information, Action, Suit, or other Proceeding Judgment shall be given against the Crown, the Defendant shall be entitled to his Costs, in like Manner, and subject to the same Rules and Provisions, as though such Proceeding had been had between Subject and Subject; and it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to pay such Costs out of any Monies which may be hereafter voted by Parliament for that Purpose.

Amendment of Procedure and Practice in Crown Suits.

III. And whereas the Procedure and Practice in Informations, Suits, and other Proceedings instituted by or on behalf of the Crown in Her Majesty's Court of Exchequer is dilatory, and requires Amendment, and it is desirable that the same should be assimilated as nearly as may be to the Course of Practice and Procedure now in force in Actions and Suits between Subject and Subject: Be it enacted, That it shall be lawful for the Barons of Her Majesty's Court of Exchequer, or any Three of them, to make all such General Rules and Orders for the Regulation of the Pleading and Practice in such Informations, Suits, and other Proceedings, and to frame such Writs and Forms of Proceedings, as to them may seem expedient for the Purpose aforesaid; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within *Five* Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until *Three* Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall, from and after such Time aforesaid, be binding and obligatory on the said Court, and on all Courts of Error into which any Judgment of the said Court shall be carried by any Writ of Error, and be of the like Force and Effect, as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the London Gazette, or for either of the Houses of Parliament, by any Resolution passed

passed at any Time within *Three* Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts, or on any other Court of Common Law or Court of Error.

Crown Suits.

A

BILL

For the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1855.

[Bill 248.

Under 1 *oz.*

23 April 1855. 18 Vict.

A

B I L L

FOR

Granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant to Your Majesty the several additional Duties of Customs herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That on and after the *Twenty-first Day of April One thousand eight hundred and fifty-five* there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in lieu and instead Duties of Customs on Tea, Coffee, Sugar, &c.

instead of the Duties now payable by Law upon the Importation of the Articles next herein-after mentioned into the United Kingdom, the several Duties of Customs following; that is to say, on

	£	s.	d.
TEA.—Until the *Fifth Day of April* inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia - - - - the lb.	0	1	9
From which last-mentioned Day the Duty shall be regulated in accordance with the Provisions of the Act, Chapter Nine, of the present Session of Parliament.			
COFFEE - - - - - the lb.	0	0	4
——— Kiln dried, roasted or ground - ,,	0	0	5
CHICORY, or any other vegetable Matter applicable to the Use of Chicory or Coffee, roasted or ground the lb.	0	0	5
SUGAR, Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - - - the Cwt.	1	0	0
——— White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined the Cwt.	0	17	6
——— Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - the Cwt.	0	15	0
——— Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - the Cwt.	0	13	9
MOLASSES - - - - - - the Cwt.	0	5	4
CONFECTIONERY, Comfits, Cherries dried, Marmalade, Plums preserved in Sugar, Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - - - the lb.	0	0	2½

Duties of Customs on Spirits.

II. That in lieu of the Duties of Customs now payable on the Articles under mentioned, imported into Scotland or Ireland, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, on and after the *Twentieth Day of April One thousand* 40

thousand eight hundred and fifty-five, the following Duties; that is to say, on

Spirits; viz^{t}.

Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes' Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon:

	£	*s.*	*d.*
—— Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act, Fourth Victoria, Chapter Eight, have or shall have been fulfilled:—			
If imported into Scotland - - the Gallon	*0*	*8*	*2*
If imported into Ireland - - the Gallon	*0*	*6*	*4*
—— Rum Shrub, Cordial, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid:—			
If imported into Scotland - - the Gallon	*0*	*8*	*2*
If imported into Ireland - - the Gallon	*0*	*6*	*4*

III. That in lieu of the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, the following Drawbacks shall be allowed on and after the *Nineteenth Day of May One thousand eight hundred and fifty-five*, on the Exportation, or on the Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say, Drawbacks on Sugar.

	£	*s.*	*d.*
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, for every Cwt.	*0*	*18*	*9*
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved of by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	*0*	*18*	*9*

	£	*s.*	*d.*
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	*0*	*17*	*10*
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt.	*0*	*16*	*6*
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, for every Cwt.	*0*	*13*	*9*

Short Title. IV. In citing this Act in other Acts or legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1855."

Customs Duties.

A

B I L L

For granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.

(Prepared and brought in by Mr. FitzRoy, The Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 23 *April* 1855.

Under 1 *oz.*

[Bill 88.]

4 *May* 1855. 18 Vict.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

FOR

Granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.

[Clause A. was added by the Committee.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the Supplies to defray the Expenses of the just and necessary War in which Your Majesty is engaged, have freely and voluntarily resolved to give and grant to Your Majesty the several additional Duties of Customs herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That on and after the Twenty-first Day of April One thousand eight hundred and fifty-five there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in lieu and instead Duties of Customs on Tea, Coffee, Sugar, &c.

instead of the Duties now payable by Law upon the Importation into the United Kingdom of the Articles next herein-after mentioned, the several Duties of Customs following; that is to say, on

	£	s.	d.
TEA.—Until the Fifth Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia - - the lb.	0	1	9
From which last-mentioned Day the Duty shall be regulated in accordance with the Provisions of the Act, Chapter Nine, of the present Session of Parliament.			

	Until the 5th Day of April inclusive, which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	s.	d.	£	s.	d.	£	s.	d.
COFFEE - - - the lb.	0	0	4	0	0	3	0	0	3
——— Kiln dried, roasted or ground the lb.	0	0	5	0	0	4	0	0	4
CHICORY, or any other vegetable Matter applicable to the Use of Chicory or Coffee, roasted or ground - the lb.	0	0	5	0	0	4	0	0	4
SUGAR, viz.:—									
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - the Cwt.	1	0	0	0	16	8	0	13	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined - - - the Cwt.	0	17	6	0	14	7	0	11	8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed-the Cwt.	0	15	0	0	12	9	0	10	6
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the Cwt.	0	13	9	0	11	8	0	9	6
MOLASSES - - - the Cwt.	0	5	4	0	4	6	0	3	9
CONFECTIONERY, Comfits, Cherries dried, Marmalade, Plums preserved in Sugar, Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - the lb.	0	0	2½	0	0	2	0	0	1½

Duties of Customs on Spirits.

II. That in lieu of the Duties of Customs now payable on the Articles under mentioned, imported into Scotland or Ireland, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, on and after the Twentieth Day of April One thousand

thousand eight hundred and fifty-five, the following Duties; that is to say, on

SPIRITS:

Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes' Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon; viz.

	£	s.	d.
—— Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act, Fourth Victoria, Chapter Eight, have or shall have been fulfilled:—			
If imported into Scotland - - - the Gallon	0	8	2
If imported into Ireland - - - the Gallon	0	6	4
—— Rum Shrub, Cordials, and Liqueurs of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter qualified as aforesaid:—			
If imported into Scotland - - the Gallon	0	8	2
If imported into Ireland - - - the Gallon	0	6	4

Drawbacks on Sugar.

III. That in lieu of the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, the following Drawbacks shall be allowed on and after the Nineteenth Day of May One thousand eight hundred and fifty-five, on the Exportation, or on the Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.			For the following Twelve Months after such 5th Day of April.			Thereafter.		
	£	s.	d.	£	s.	d.	£	s.	d.
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, for every Cwt.	0	18	9	0	15	8	0	12	6
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	18	9	0	15	8	0	12	6

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove - for every Cwt.	0 17 10	0 14 10	0 11 10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt.	0 16 6	0 13 9	0 11 0
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, for every Cwt.	0 13 9	0 11 8	0 9 6

CLAUSE A. When Contracts have been entered into, Amount of increased Duty to be added.

IV. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Customs are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled, by virtue of this Act, to be paid, and to sue for and recover the same accordingly.

Short Title.

V. In citing this Act in other Acts or legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1855."

Customs Duties.

A

BILL

[AS AMENDED BY THE COMMITTEE]

For granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 4 *May* 1855.

[Bill 105.]

Under 1 *oz.*

A

BILL

TO

Consolidate certain Acts, and otherwise amend the Laws of the Customs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Tobacco in Packages less than 80 lbs. prohibited.

I. Tobacco, Cigars, and Snuff are hereby prohibited to be imported into the United Kingdom, unless in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, and unless in Ships of not less than One hundred and twenty Tons Burden, and unless into such Ports as are or may be approved by the Commissioners of Customs for the Importation and Warehousing of Tobacco; and any Tobacco, Cigars, or Snuff imported into the United Kingdom contrary hereto shall be subject to the Provisions contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," in the same Manner as if this Prohibition had been originally enacted in the Table of Prohibitions and Restrictions to the said Section, of which it is hereby declared to form a Part.

Goods not reported may be detained till Requi-

II. Goods not duly reported may be detained by any Officer or Officers of Customs until the same are so reported, and the Cause of the

sites complied with.

the Omission explained to the Satisfaction of the Commissioners of Customs, who may thereupon restore the same on such Terms as they may deem proper; and such Goods may in the meantime, should the said Commissioners deem necessary, be removed to the Queen's Warehouse.

Extension of Time for perfecting Sight Entries.

III. The Time prescribed by the Sixty-fourth Section of "The Customs Consolidation Act, 1853," for perfecting Entries by Bill of Sight, may be extended at the Discretion of the Commissioners of Customs.

Commissioners of Customs to permit special Entries in particular Cases.

IV. The Commissioners of Customs may permit the Entries of Goods in such Form and Manner and on such Conditions as they may direct to meet the Exigencies of any Case to which the general Laws and Regulations may not be strictly applicable.

Goods not worth the Duty and Charges in Queen's Warehouse may be destroyed.

V. All Goods deposited in the Queen's Warehouse, and not duly cleared therefrom within *Three* Calendar Months, if the same cannot be sold for a Sum sufficient to pay the Duties and Charges if offered for Sale for Home Consumption, or the Charges if offered for Sale for Exportation, may be destroyed by Direction of the Commissioners of Customs.

Combustibles not to be put in Queen's Warehouse.

VI. No Goods of a combustible or inflammable Nature shall be brought into or deposited in the Queen's Warehouse, unless with the Sanction of the Commissioners of Customs; and if any such Goods shall be landed by the Officers of Customs under the Seventy-fourth Section of "The Customs Consolidation Act, 1853," the same may be deposited in any Place that such Officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's Warehouse and be liable to be dealt with, at the Expiration of Fourteen Days, in the same Manner as Goods of a perishable Nature actually deposited in the Queen's Warehouse, unless duly cleared or warehoused in some approved Warehouse in the meantime; and such Goods shall be chargeable with such Expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their Officers shall be liable to make good any Damage which such Goods may sustain by reason or during the Time of their being so deposited and dealt with as aforesaid.

The re-weighing, re-gauging, &c. of Goods on quinquennial

VII. On the re-warehousing in the Name of the Proprietor of Goods, either by himself or by the Warehousekeeper, after the Expiration of *Five* Years from the last preceding warehousing or re-warehousing thereof under Sections One hundred and three and One hundred and four of "The Customs Consolidation Act, 1853," the

hundred

Commissioners of Customs may (first being satisfied that the same a in the Warehouse, that the Packages are entire, and that there is no Ground to suspect that there is any undue Deficiency therein,) dispense with the re-weighing, re-gauging, or re-measuring, and strict Examination thereof, if they be such as are liable on Delivery to the Payment of Duty according to the landing Weight, Measure, or Quantity thereof, and also at the Request of the Warehouse-keeper or Proprietor of the Warehouse may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging, re-measuring, or strict Examination on such re-warehousing as aforesaid of Goods being Wines or other Goods the Duties whereon are payable at the Delivery, Weight, Measure, or Quantity, and which may be liable to Injury by such re-weighing, re-gauging, re-measuring, or strict Examination; but in either of these Cases the Warehouse-keeper or Proprieter of such Warehouse shall be liable at the Time of Delivery of such Goods to pay the Duties due on any Deficiency therein not allowed by Law which may then be found to exist, instead of being called upon to make good any Deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring, or Examination been resorted to at the Time of such re-warehousing.

re-warehousing, may in certain Cases be dispensed with.

VIII. No Goods shall be shipped, put off, or water-borne to be shipped for Exportation from any Port or Place in the United Kingdom, except on Days not being Sundays or Holidays, nor from any Place except some Legal Quay, Wharf, or other Place duly appointed for such Purpose, nor without the Presence or Authority of the proper Officer of Customs, nor before due Entry Outwards of such Ship and due Entry of such Goods, nor before such Goods shall have been duly cleared for Shipment; and any Goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for the Searcher to open or cause to be opened and to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom, and the opening for that Purpose of Packages containing Goods upon which any Drawback of Customs or Inland Revenue is claimed, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the Expense of the Exporter.

Goods not to be shipped except on proper Days and Places, nor until Entry and Clearance.

Searcher may open Packages and examine Goods.

IX. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," shall forfeit the Sum of *Twenty Pounds*.

Exporter to deliver Shipping Bill.

X. If any Ship having Cargo on board shall depart from any Port without being duly cleared, the Master shall forfeit the Sum of One hundred Pounds.

Ships with Cargo to clear.

Exportation of British and Irish Spirits to Isle of Man, &c.

XI. British or Irish Spirits may be exported from Great Britain or Ireland to Parts beyond the Seas or be removed to the Isle of Man in Casks of the Content of Ten Gallons each at the least, but no British or Irish Spirits shall be removed or exported from the Isle of Man to any other Part of the United Kingdom, under pain of Forfeiture thereof.

Foreign Ships in the Coasting Trade to be subject to the same Rules as British Ships.

XII. Every Foreign Ship employed in carrying Goods or Passengers Coastwise from one Part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said Islands, or from any of the said Islands to any other of them, or from any Part of any one of the said Islands to any other Part of the same, shall be subject, as to Stores for the Use of the Crew and in all other respects, to the same Laws, Rules, and Regulations to which British Ships when so employed are now subject.

Foreign Ships employed in the Coasting Trade not to be subject to higher Rates than British Ships.

XIII. No Foreign Ship employed in the Coasting Trade as aforesaid, nor any Goods carried in any such Ship, shall, during the Time such Ship is so employed, be subject to any higher or other Rate of Dock, Pier, Harbour, Light, Pilotage, Tonnage, or other Dues, Duties, Tolls, Rates, or other Charges whatsoever, or to any other Rules as to the Employment of Pilots, or any other Rules or Restrictions whatsoever, than British Ships employed in like Manner or Goods carried in such Ships, any Law, Charter, special Privilege, or Grant to the contrary notwithstanding; nor shall any Body Corporate or Person having or claiming any Right or Title to any such higher or other Rates, Dues, Duties, Tolls, or other Charges as aforesaid be entitled to any Compensation in respect thereof under any Law or Statute relating thereto, or otherwise howsoever.

The Queen enabled to exercise retaliatory Powers as in 16 & 17 Vict. c. 107. ss. 324, 325, and 326

XIV. It shall be lawful for Her Majesty to exercise in respect of Foreign Ships employed in the Coasting Trade as aforesaid, and of Goods carried Coastwise in such Ships, such or the like Powers as are conferred on Her Majesty by the Three hundred and twenty-fourth, Three hundred and twenty-fifth, and Three hundred and twenty-sixth Sections of the said Customs Consolidation Act, 1853, in respect of Foreign Ships employed in the Over-sea Trade, and of Goods exported or imported in such Ships.

Powers of Commissioners of Customs as to Colonies extended to Governors, &c.

XV. The Powers and Authorities now vested in the Commissioners of Customs with regard to any Act or Thing relating to the Customs or to Trade or Navigation in any of the British Possessions abroad shall, from and after the passing of this Act, be vested in the Governor, Lieutenant Governor, or other Person administering the Government

Goverment in any such Possession, and every act required by any Law to be done by or with any particular Officer or at any particular Place, if done by or with any such Officer or at any Place appointed or nominated by such Governor, Lieutenant Governor, or other Person so administering such Government, shall be deemed to have been done by or with such particular Officer or at such particular Place, as the Case may be, and as required by Law; and all Commissions, Deputations, and Appointments granted to any Officers of Customs in force at the Commencement of this Act shall have the same Force and Effect to all Intents and Purposes as if the same had been granted or made in the first instance by such Governor, Lieutenant Governor, or Person so administering the Government of any such Possession; and all Bonds or other Securities which shall have been given by or for any such Officers and their respective Sureties for good Conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by Directions of any such Governor, Lieutenant Governor, or Person administering the Government of any such Possession.

To place the Bay Islands on the same Footing as the Bermudas.

XVI. The Islands in the Bay of Honduras called the Bay Islands shall be deemed and taken to be excepted or excluded from the Operation of the One hundred and fifty-ninth Section of the "Customs Consolidation Act, 1853," to the same Extent as the Bahamas or Bermuda Islands are thereby excepted or excluded.

Provision as to Importation of Tobacco, &c. into Channel Islands.

XVII. No Tobacco, Cigars, or Snuff shall be imported into the Channel Islands, nor be carried from any one of the said Islands to another of them, or from one Part of any of the said Islands to another Part of the same, unless in Ships of not less Burden than Fifty Tons, except from the United Kingdom in Ships of not less than Forty Tons Burden regularly trading from thence to those Islands, nor unless in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor unless the Provisions in and under which the like Sort of Goods may be legally imported into the United Kingnom are complied with; and all Tobacco, Cigars, or Snuff imported into the said Island or carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any Ship or Boat within One League of the Coasts thereof, shall be forfeited, together with the Ship or Boat.

Spirits from and to the Channel Islands in Ships of Fifty Tons and Casks of

XVIII. No Spirits (except Rum of the British Plantations) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one

Twenty Gallons.

one of the said Islands, or shall be shipped in order to be so removed or carried in any Ship of less Burden than Fifty Tons, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or waterborne to be so shipped, removed, or carried contrary hereto shall be forfeited, together with the Ship and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons, for having on board at any One Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of Guernsey or Jersey for the Purpose of being employed in carrying Commodities for the Supply of the Island of Sark, which Licence such Officer of Customs is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any One Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

Exception of Spirits in Glass Bottles, or Stores.

Licensed Boats of Ten Tons supplying Sark.

Prohibited Goods not to be shipped from the Channel Islands to the United Kingdom.

XIX. If in the Channel Islands any Goods the Importation whereof into the United Kingdom is prohibited, or any Goods in any Packages or in any Manner in which the same cannot be legally imported into the United Kingdom, shall be shipped or brought to any Wharf, Quay, or other Place in or be waterborne to be shipped on board any Ship clearing or departing from those Islands to the United Kingdom, such Goods shall be forfeited, and any Person who shall so ship, bring, or waterbear to be shipped any such Goods, or be otherwise knowingly concerned therein, shall forfeit the Sum of *One hundred Pounds* or *Treble* the Value of the Goods, at the Election of the Commissioners of Customs.

Reward to Officers for Seizures in Channel Islands.

XX. Where any Seizures of Tobacco or Spirits shall be made in any of the Channel Islands or within One League of the Coast thereof by any Officer of Customs or Person employed for the Prevention of Smuggling, it shall be lawful for the Commissioners of Customs to allow to such Officer or Person such Reward beyond the Sum directed by the One hundred and eighty-fourth Section of "The

"Customs

"Customs Consolidation Act, 1853," as the said Commissioners may deem advisable, not exceeding in any Case the Sum of *Five Pounds*.

The Terms, "Governor, &c." in Channel Islands to include Jurats, who are to have the same Power.

XXI. The Terms "Governor, Deputy Governor, and Deemster," used in the Two hundred and sixty-third and Two hundred and seventy-seventh Sections of "The Customs Consolidation Act, 1853," shall be deemed to apply to and include Jurats of any of the Channel Islands, and each such Jurat shall have and exercise, in respect of any Offence against any Act relating to the Customs committed in or within One League of the Island in which he may be a Jurat, the same Powers as are vested in any Justice of the Peace in respect of any such Offences committed therein.

Goods, the Growth or Manufacture of Isle of Man, may be imported into Great Britain or Ireland on Certificate, &c.

XXII. Any Goods the Growth of the Isle of Man, or there manufactured from Materials the Growth of the said Isle, or from Materials not subject to Duties in Great Britain or Ireland, or from Materials upon which the Duty has been paid in Great Britain or Ireland and upon which no Drawback has been subsequently granted, may be brought from the said Isle into Great Britain or Ireland without Payment of any Duty: Provided always, that such Goods may nevertheless be charged with such Proportion of such Duties as shall fairly countervail any Duties of Excise payable on the like Sort of Goods the Produce of that Part of the United Kingdom into which they shall be brought or payable upon any of the Materials from which such Goods are manufactured; and any Articles either wholly or in part manufactured in the said Isle from any Materials upon which a higher Duty is payable upon their Importation into the United Kingdom than on their Importation into the Isle of Man, may be brought from the said Isle into Great Britain or Ireland on Payment of the Duty payable on such Goods in that Part of the United Kingdom into which they shall be so brought.

Isle of Man Part of United Kingdom for Customs Purposes.

XXIII. The Isle of Man shall be deemed and taken to be Part of the United Kingdom for the Purposes of this or any other Act relating to the Customs, save as to the Rates of Duties and Drawbacks charged or allowed.

Certain Vessels belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels.

XXIV. If any Ship or Boat belonging wholly or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, shall be found or discovered to have been within Four Leagues of that Part of the Coast of the United Kingdom which is between the North Foreland on the Coast of Kent and Beachy Head on the Coast of Sussex, or within Eight Leagues of any other Part of the Coast of the United Kingdom, or if any Foreign Ship or Boat having One or more Subjects of Her Majesty on board, shall be found

found within certain Distances of the Coast of the United Kingdom or Channel Islands with certain Goods on board, forfeited, with the Goods.

found or discovered to have been within Three Leagues of the Coast of the United Kingdom, or if any Foreign Ship or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom, or if any Ship or Boat shall be found or discovered to have been within One League of the Channel Islands, any such Ship or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or a whole and complete Package containing Eighty Pounds Weight of Tobacco or Snuff at the least, or any Tobacco Stalks, Tobacco Stalk Flour, Snuff Work, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Twenty Gallons of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work, together with the Casks or Packages containing the same, and the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Ship or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom or of the Channel Islands having prohibited Goods on board or attached thereto forfeited.

Commissioners may waive Forfeiture.

XXV. If any Ship or Boat shall be found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff, not being in a Cask or a whole and complete Package containing Eighty Pounds Weight of such Tobacco or Snuff at the least, or any Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work, every such Ship or Boat, and such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work shall be forfeited; but if it shall be made to appear to the Satisfaction of the Commissioners of Customs that such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work were on board without the Knowledge or Privity of the Owner or Master of such Ship or Boat, and without any wilful Neglect or Want of reasonable Care on their Parts, then and in such Case the said Commissioners shall deliver up the said Ship or Boat to the Owner or Master of the same.

Forfeiture not to extend to Ships and

XXVI. Nothing herein contained shall extend to render any Ship of One hundred and twenty Tons Burden or upwards liable to Forfeiture

Forfeiture on account of any Tobacco, Cigars, or Snuff, if in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff; nor to render any Ship of Fifty Tons Burden or upwards liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles or Stone Bottles not exceeding the Size of Three Pints each, such Tea and Spirits being really Part of the Cargo of such Ship; nor to render any Ship liable to Forfeiture on account of any Spirits or Tea, or of any Tobacco really intended for the Consumption of the Seamen or Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose; nor to render any Ship liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

Goods in certain Cases.

XXVII. Every Person who shall be found or discovered to have been on board any Ship or Boat liable to Forfeiture under this or any other Act relating to the Customs for being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or of the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Ship or Boat to Forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's Ships or Vessels, or on board any Ship or Vessel in Her Majesty's Employment or Service, or on board of any Foreign Post Office Packet, being a national Vessel, employed in carrying the Mails between any Foreign Country and the United Kingdom, such last-mentioned Ships, Vessels, or Packets being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a whole and complete Package containing Eighty Pounds Weight of such Tobacco or Snuff at least, shall forfeit the Sum of *One hundred Pounds;* and every such Person shall and may be detained, and taken before any Justice, to be dealt with as herein-after directed.

Persons on board Vessels within Ports of the United Kingdom or the Channel Islands, with Contraband Articles, subject to Penalty of 100*l.* and Detention.

XXVIII. The Notice in Writing now required by the Two hundred and twenty-sixth Section of "The Customs Consolidation "Act, 1853," on the Seizure of Goods, shall not be required in Cases where the Seizure is made on the Person or in the Presence of the Offender; and where any such Notice is required, the same may be

Notice of Seizure of Goods.

served either in the Manner prescribed by the said Section, or by Delivery at the Place of Abode of the Party to whom the same is addressed.

Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, or likely to abscond, such Justice may order them to be detained a reasonable Time, or admit to Bail.

XXIX. When any Person shall have been detained for any Offence against this or any other Act relating to the Customs, and taken before any Justice, such Justice may, if he see reasonable Cause, order such Person to be detained in Gaol or in the Custody of the Police or Constabulary Force a reasonable Time, to obtain the Order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary Informations, Convictions, and Warrants of Commitment, and at the Expiration of such Time to be brought before him, or any other Justice or Justices, who may then finally hear and determine the Matter; or when any Information shall have been preferred before any Justice against any Person for any such Offence, and it shall appear to such Justice, by Depositions on Oath, that such Person is likely to abscond before such Information can be heard, such Justice may, in lieu of issuing a Summons for the Appearance of the Offender, grant his Warrant to apprehend and bring such Offender before him or any other Justice, at a Time and Place to be named in such Warrant, for the Hearing of such Information; but any Person so detained or apprehended may be liberated, on giving, by Recognizance, Security to the Satisfaction of such Justice in the Sum of *One hundred Pounds*, or in the Amount of the Penalty sought to be recovered, to appear at such Time and Place as shall be appointed by such Justice for hearing the Case.

Penalty and Costs to be stated in Convictions, &c.

XXX. When any Person is convicted before any Justice and adjudged to pay a pecuniary Penalty for any Offence against this or any Act relating to the Customs, such Justice shall state in the Conviction, and also in the Commitment of such Person, if committed in default of Payment, the Amount of Costs awarded to be paid by such Person, as well as the Penalty so adjudged, and shall commit such Person until Payment of such Penalty and Costs.

Execution after Trial out of Term.

XXXI. In any Case where a Verdict is or shall have been obtained at the Suit of the Crown against any Defendant in any of the Superior Courts, in any Cause tried out of Term, Execution thereon may issue on or after the Expiration of Fourteen Days from the Date of such Verdict, in the same Manner as Execution may issue in any Case under the One hundred and twentieth Section of "The Common "Law Procedure Act, 1852," unless the Judge who tried the Cause, or some other Judge, or the Court, shall order Execution to issue at any earlier or later Period with or without Terms.

XXXII. The

Defendant's Option of removing a Case from the magisterial to the Superior Court to be exercised before the Hearing commences.

XXXII. The Option given to a Defendant by Section Two hundred and sixty-four of "The Customs Consolidation Act, 1853," of removing any Proceedings against himself before any Justice to a Superior Court, shall not be exercised after the Commencement of the Trial or Hearing thereof before such Justice.

Count for harbouring, &c. smuggled Goods.

XXXIII. The Words "otherwise dealing with certain prohibited, restricted, or uncustomed Goods" in Count Sixteen of Schedule B. to "The Customs Consolidation Act, 1853," shall be deemed to apply to and include the harbouring or having Possession, as the Case may be, of any such Goods, and it shall not be necessary to prove that the Party charged was concerned in the unshipping thereof.

Evidence of Condemnation of Forfeiture.

XXXIV. The Condemnation of Goods by any Justice as forfeited under the Laws relating to the Customs may be proved in any Court of Justice, or before any competent Tribunal, by the Production of such Condemnation purporting to be signed by such Justice, or an examined Copy of the Record of such Condemnation certified by the Clerk to such Justice.

14 & 15 Vict. c. 99. not to extend to Revenue Cases.

XXXV. The Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, shall not be deemed to apply to any Prosecution, Suit, or other Proceeding in respect of any Offence, or for the Recovery of any Penalty or Forfeiture, under any Law now in force or hereafter to be made relating to the Customs or Inland Revenue.

Defendants in Customs Cases to have choice of Attorney and Counsel in Scotland.

XXXVI. Any Writer to the Signet, Solicitor before the Supreme Courts in Scotland, or Solicitor at Law duly licensed to practise as an Agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs, shall be competent to undertake the Defence of such Defendant, and to instruct Counsel for that Purpose; and any such Defendant who may not have retained any such Agent shall be entitled to be heard by his Counsel on any Trial for such Offence, although such Defendant may have previously appeared to answer such Suit in Person instead of appearing by Agent.

Making false Declarations.

XXXVII. If any Person shall in any Matter relating to the Customs make and subscribe any false Declaration, or make or sign any Declaration, Certificate, or other Instrument required to be verified

Signing false Documents and untruly answering Questions.

by Signature only, the same being false in any Particular, or if any Person shall make or sign any Declaration made for the Consideration of the Commissioners of Customs, on any Application presented to them, the same being untrue in any Particular; or if any Person required by this or any other Act relating to the Customs to answer Questions put to him by the Officers of Customs shall not truly answer such Questions; or if any Person shall counterfeit, falsify, or wilfully use when counterfeited or falsified any Document required by this or any Act relating to the Customs or by or under the Directions of the Commissioners of Customs, or any Instrument used in the Transaction of any Business or Matter relating to the Customs, or shall fraudulently alter any Document or Instrument, or counterfeit the Seal, Signature, Initials, or other Mark of or used by the Officers of the Customs for the Verification of any such Document or Instrument, or for the Security of Goods, or any other Purpose in the Conduct of Business relating to the Customs, or under the Control or Management of the Commissioners of Customs or their Officers; every Person so offending shall for every such Offence forfeit the Penalty of *One hundred Pounds*.

Counterfeiting and using false Documents.

Penalty 100*l*.

Persons complaining of Prohibition of Books in Copyright Lists may appeal to a Judge in Chambers.

XXXVIII. If any Person shall have cause to complain of the Insertion of any Book in the Lists required by the Forty-sixth Section of "The Customs Consolidation Act, 1853," to be published by the Commissioners of Customs, it shall be lawful for any Judge at Chambers, on the Application of the Person so complaining, to issue a Summons calling upon the Person upon whose Notice such Book shall have been so inserted, to appear before such Judge, at a Time to be appointed in such Summons, to show Cause why such Book shall not be expunged from such Lists, and such Judge shall at the Time so appointed proceed to hear and determine upon the Matter of such Summons, and make his Order thereon in Writing, and upon Service of such Order, or a certified Copy thereof, upon the Commissioners of Customs or their Secretary for the Time being, the said Commissioners shall expunge such Book from the List, or retain the same therein, according to the Tenor of such Order; and in case such Book shall be expunged from such Lists, the same shall not be deemed to be prohibited under the Table of Prohibitions and Restrictions Inwards contained in the Forty-fourth Section of the said Act: If at the Time appointed in any such Summons the Person so summoned shall not appear before such Judge, then upon Proof by Affidavit that such Summons, or a true Copy thereof, has been personally served upon or left at the last known or usual Place of Abode of the Person so summoned, or in case the Person to whom such Summons was directed and his Place of Abode cannot be found, that due Diligence has

has been used to ascertain the same, such Judge shall be at liberty to proceed ex parte to hear and determine the Matter.

Declaration of Truth of Notice of Copyright.

XXXIX. From and after the passing of this Act no Book shall be inserted in any List published by the Commissioners of Customs, under the Forty-sixth Section of "The Customs Consolidation Act, 1853," until the Person giving the Notice thereby required shall have made and subscribed a Declaration before the Collector of the Customs or any Justice of the Peace, at some Port or Place in the United Kingdom, that the Contents of such Notice are true.

Soldiers, &c. not to be billetted on Coast Guard.

XL. No Soldiers or Militia shall be billeted on Officers or Coast Guard Men in the Service of the Customs.

Declaratory Explanation of Term "Malt."

XLI. The Term "Malt" in the Table of Prohibitions and Restrictions Inwards relating to Goods absolutely prohibited to be imported, contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," shall be deemed to include all Malt, whether in Grain or in the Form of concentrated Extract or Essence, but shall not include any of the fermented Liquors made from Malt now specified in the Tariff.

Interpretation of Terms.

XLII. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section.

Acts set forth in Schedule repealed.

XLIII. The several Acts and Parts of Acts set forth in the Schedule to this Act annexed are hereby repealed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts or Parts of Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

Act to be registered in Royal Courts of Guernsey and Jersey.

XLIV. This Act shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement and Short Title of Acts.

XLV. This Act shall come into operation on the Day *of the passing of this Act;* and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Supplemental Customs Consolidation Act, 1855."

SCHEDULE of Acts to be repealed.

Date of Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 107.	Customs Consolidation Act, 1853.	Sections 119, 192, 193, 198, 210, 212, 213, 214, 236, 240, 348. So much of the Table of Prohibitions and Restrictions Inwards on Goods prohibited to be imported, except subject to the Restrictions on Importation therein contained, as relates to Tobacco and Snuff under the several Denominations of Tobacco, Cigars, Cigarillos, Cigarrettos, and Snuff, being Part of Section 44. The following Words, viz., "With "the Addition of the Value of "such Goods, if any, as shall "have been previously charge- "able with Duty at Value and "of British Goods," being Part of the Proviso contained in Section 125; and so much of Section 142 as relates to the Delivery of a Duplicate Bill of Lading on the Shipment of Goods, and within Fourteen Days after final Clearance of the Ship, a List of such Goods, with the Quantities and Values thereof, as thereby required.
17 Vict. c. 5. - -	An Act to admit Foreign Ships to the Coasting Trade.	The whole Act.
17 & 18 Vict. c. 122.	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	The whole Act.

Customs Laws Consolidation.

A

BILL

To consolidate certain Acts, and otherwise amend the Laws of the Customs.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1855.

[Bill 258.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Consolidate certain Acts, and otherwise amend the Laws of the Customs.

[Note.—*The Clauses* A. *and* B. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Clause A. Customs Duties, &c. payable to Exchequer Account of Bank of England to be received under such Regulations as the Commissioners of the Treasury shall prescribe.

I. All Customs, Duties, and other Public Moneys payable to the Exchequer Account at the Bank of England shall be received to the Credit of such Account by the Governor and Company of the said Bank, under such Regulations and Directions as the Commissioners of Her Majesty's Treasury shall from Time to Time prescribe; and the Specifications or Statements of Particulars required, by an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, to be delivered to the Cashier or other Officer of the Bank of England by the Person paying in any such Money, shall be required only in such Cases, and shall be signed and issued by such Person as the said Commissioners shall from Time to Time direct; and the Acquittances for all Payments made to the Account of the Exchequer at the Bank of England shall be made out in such Form, and under such Regulations, as shall be prescribed by the said Commissioners; and such Acquittances shall be to the Person making such Payments a legal and sufficient Discharge with the Commissioners

sioners for auditing the Public Accounts, and all other Persons whomsoever.

Tobacco in Packages less than 80 lbs. prohibited.

II. Tobacco, Cigars, and Snuff are hereby prohibited to be imported into the United Kingdom, unless in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, and unless in Ships of not less than One hundred and twenty Tons Burden, and unless into such Ports as are or may be approved by the Commissioners of Customs for the Importation and Warehousing of Tobacco; and any Tobacco, Cigars, or Snuff imported into the United Kingdom contrary hereto shall be subject to the Provisions contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," in the same Manner as if this Prohibition had been originally enacted in the Table of Prohibitions and Restrictions to the said Section, of which it is hereby declared to form a Part.

Goods not reported may be detained till Requisites complied with.

III. Goods not duly reported may be detained by any Officer or Officers of Customs until the same are so reported, and the Cause of the Omission explained to the Satisfaction of the Commissioners of Customs, who may thereupon restore the same on such Terms as they may deem proper; and such Goods may in the meantime, should the said Commissioners deem necessary, be removed to the Queen's Warehouse.

Extension of Time for perfecting Sight Entries.

IV. The Time prescribed by the Sixty-fourth Section of "The Customs Consolidation Act, 1853," for perfecting Entries by Bill of Sight, may be extended at the Discretion of the Commissioners of Customs.

Commissioners of Customs to permit special Entries in particular Cases.

V. The Commissioners of Customs may permit the Entries of Goods in such Form and Manner and on such Conditions as they may direct to meet the Exigencies of any Case to which the general Laws and Regulations may not be strictly applicable.

Goods not worth the Duty and Charges in Queen's Warehouse may be destroyed.

VI. All Goods deposited in the Queen's Warehouse, and not duly cleared therefrom within Three Calendar Months, if the same cannot be sold for a Sum sufficient to pay the Duties and Charges if offered for Sale for Home Consumption, or the Charges if offered for Sale for Exportation, may be destroyed by Direction of the Commissioners of Customs.

Combustibles not to be put in Queen's Warehouse.

VII. No Goods of a combustible or inflammable Nature shall be brought into or deposited in the Queen's Warehouse, unless with the Sanction of the Commissioners of Customs; and if any such Goods shall

shall be landed by the Officers of Customs under the Seventy-fourth Section of "The Customs Consolidation Act, 1853," the same may be deposited in any Place that such Officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's Warehouse and be liable to be dealt with, at the Expiration of Fourteen Days, in the same Manner as Goods of a perishable Nature actually deposited in the Queen's Warehouse, unless duly cleared or warehoused in some approved Warehouse in the meantime; and such Goods shall be chargeable with such Expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their Officers shall be liable to make good any Damage which such Goods may sustain by reason or during the Time of their being so deposited and dealt with as aforesaid.

The re-weighing, re-gauging, &c. of Goods on quinquennial re-warehousing, may in certain Cases be dispensed with.

VIII. On the re-warehousing in the Name of the Proprietor of Goods, either by himself or by the Warehouse-keeper, after the Expiration of Five Years from the last preceding warehousing or re-warehousing thereof under Sections One hundred and three and One hundred and four of "The Customs Consolidation Act, 1853," the Commissioners of Customs may (first being satisfied that the same are in the Warehouse, that the Packages are entire, and that there is no Ground to suspect that there is any undue Deficiency therein) dispense with the re-weighing, re-gauging, or re-measuring, and strict Examination thereof, if they be such as are liable on Delivery to the Payment of Duty according to the landing Weight, Measure, or Quantity thereof, and also at the Request of the Warehouse-keeper or Proprietor of the Warehouse may (first being satisfied as aforesaid) dispense with the re-weighing, re-gauging, re-measuring, or strict Examination on such re-warehousing as aforesaid of Goods being Wines or other Goods the Duties whereon are payable at the Delivery, Weight, Measure, or Quantity, and which may be liable to Injury by such re-weighing, re-gauging, re-measuring, or strict Examination; but in either of these Cases the Warehouse-keeper or Proprietor of such Warehouse shall be liable at the Time of Delivery of such Goods to pay the Duties due on any Deficiency therein not allowed by Law which may then be found to exist, instead of being called upon to make good any Deficiencies which might have been found to exist had such re-weighing, re-gauging, re-measuring, or Examination been resorted to at the Time of such re-warehousing.

Goods not to be shipped except on proper Days and Places, nor until Entry and Clearance.

IX. No Goods shall be shipped, put off, or water-borne to be shipped for Exportation from any Port or Place in the United Kingdom, except on Days not being Sundays or Holidays, nor from any Place except some Legal Quay, Wharf, or other Place duly appointed for

for such Purpose, nor without the Presence or Authority of the proper Officer of Customs, nor before due Entry Outwards of such Ship and due Entry of such Goods, nor before such Goods shall have been duly cleared for Shipment; and any Goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for the Searcher to open or cause to be opened and to examine all Goods shipped or brought for Shipment at any Place in the United Kingdom, and the opening for that Purpose of Packages containing Goods upon which any Drawback of Customs or Inland Revenue is claimed, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the Expense of the Exporter.

Searcher may open Packages and examine Goods.

Exporter to deliver Shipping Bill.

X. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," shall forfeit the Sum of Twenty Pounds.

Ships with Cargo to clear.

XI. If any Ship having Cargo on board shall depart from any Port without being duly cleared, the Master shall forfeit the Sum of One hundred Pounds.

Exportation of British and Irish Spirits to Isle of Man, &c.

XII. British or Irish Spirits may be exported from Great Britain or Ireland to Parts beyond the Seas or be removed to the Isle of Man in Casks of the Content of Ten Gallons each at the least, but no British or Irish Spirits shall be removed or exported from the Isle of Man to any other Part of the United Kingdom, under pain of Forfeiture thereof.

Foreign Ships in the Coasting Trade to be subject to the same Rules as British Ships.

XIII. Every Foreign Ship employed in carrying Goods or Passengers Coastwise from one Part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said Islands, or from any of the said Islands to any other of them, or from any Part of any one of the said Islands to any other Part of the same, shall be subject, as to Stores for the Use of the Crew and in all other respects, to the same Laws, Rules, and Regulations to which British Ships when so employed are now subject.

Foreign Ships employed in the Coasting Trade not to be subject to higher Rates than British Ships.

XIV. No Foreign Ship employed in the Coasting Trade as aforesaid, nor any Goods carried in any such Ship, shall, during the Time such Ship is so employed, be subject to any higher or other Rate of Dock, Pier, Harbour, Light, Pilotage, Tonnage, or other Dues, Duties, Tolls, Rates, or other Charges whatsoever, or to any other Rules as to

to the Employment of Pilots, or any other Rules or Restrictions whatsoever, than British Ships employed in like Manner or Goods carried in such Ships, any Law, Charter, special Privilege, or Grant to the contrary notwithstanding; nor shall any Body Corporate or Person having or claiming any Right or Title to any such higher or other Rates, Dues, Duties, Tolls, or other Charges as aforesaid be entitled to any Compensation in respect thereof under any Law or Statute relating thereto, or otherwise howsoever.

The Queen enabled to exercise retaliatory Powers as in 16 & 17 Vict. c. 107. ss. 324, 325, and 326.

XV. It shall be lawful for Her Majesty to exercise in respect of Foreign Ships employed in the Coasting Trade as aforesaid, and of Goods carried Coastwise in such Ships, such or the like Powers as are conferred on Her Majesty by the Three hundred and twenty-fourth, Three hundred and twenty-fifth, and Three hundred and twenty-sixth Sections of the said Customs Consolidation Act, 1853, in respect of Foreign Ships employed in the Over-sea Trade, and of Goods exported or imported in such Ships.

Powers of Commissioners of Customs as to Colonies extended to Governors, &c.

XVI. The Powers and Authorities now vested in the Commissioners of Customs with regard to any Act or Thing relating to the Customs or to Trade or Navigation in any of the British Possessions abroad shall, from and after the passing of this Act, be vested in the Governor, Lieutenant Governor, or other Person administering the Government in any such Possession, and every Act required by any Law to be done by or with any particular Officer or at any particular Place, if done by or with any such Officer or at any Place appointed or nominated by such Governor, Lieutenant Governor, or other Person so administering such Government, shall be deemed to have been done by or with such particular Officer or at such particular Place, as the Case may be, and as required by Law; and all Commissions, Deputations, and Appointments granted to any Officers of Customs in force at the Commencement of this Act shall have the same Force and Effect to all Intents and Purposes as if the same had been granted or made in the first instance by such Governor, Lieutenant Governor, or Person so administering the Government of any such Possession; and all Bonds or other Securities which shall have been given by or for any such Officers and their respective Securities for good Conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by Directions of any such Governor, Lieutenant Governor, or Person administering the Government of any such Possession.

To place the Bay Islands on the same Footing as the Bermudas.

XVII. The Islands in the Bay of Honduras called the Bay Islands shall be deemed and taken to be excepted or excluded from the Operation of the One hundred and fifty-ninth Section of the "Customs

"Customs Consolidation Act, 1853," to the same Extent as the Bahamas or Bermuda Islands are thereby excepted or excluded.

Provision as to Importation of Tobacco, &c. into Channel Islands.

XVIII. No Tobacco, Cigars, or Snuff shall be imported into the Channel Islands, nor be carried from any one of the said Islands to another of them, or from one Part of any of the said Islands to another Part of the same, unless in Ships of not less Burden than Fifty Tons, except from the United Kingdom in Ships of not less than Forty Tons Burden regularly trading from thence to those Islands, nor unless in Packages each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff, nor unless the Provisions in and under which the like Sort of Goods may be legally imported into the United Kingnom are complied with; and all Tobacco, Cigars, or Snuff imported into the said Island or carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any Ship or Boat within One League of the Coasts thereof, shall be forfeited, together with the Ship or Boat.

Spirits from and to the Channel Islands in Ships of Fifty Tons and Casks of Twenty Gallons.

XIX. No Spirits (except Rum of the British Plantations) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any One of the said Islands, or shall be shipped in order to be so removed or carried in any Ship of less Burden than Fifty Tons, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or waterborne to be so shipped, removed, or carried contrary hereto shall be forfeited, together with the Ship and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons, for having on board at any One Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of Guernsey or Jersey for the Purpose of being employed in carrying Commodities for the Supply of the Island of Sark, which Licence such Officer of Customs is hereby required to grant without Fee or Reward; but if any such Boat

Exception of Spirits in Glass Bottles, or Stores.

Licensed Boats of Ten Tons supplying Sark.

Boat shall have on board at any One Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

Prohibited Goods not to be shipped from the Channel Islands to the United Kingdom.

XX. If in the Channel Islands any Goods the Importation whereof into the United Kingdom is prohibited, or any Goods in any Packages or in any Manner in which the same cannot be legally imported into the United Kingdom, shall be shipped or brought to any Wharf, Quay, or other Place in or be waterborne to be shipped on board any Ship clearing or departing from those Islands to the United Kingdom, such Goods shall be forfeited, and any Person who shall so ship, bring, or waterbear to be shipped any such Goods, or be otherwise knowingly concerned therein, shall forfeit the Sum of One hundred Pounds or Treble the Value of the Goods, at the Election of the Commissioners of Customs.

Reward to Officers for Seizures in Channel Islands.

XXI. Where any Seizures of Tobacco or Spirits shall be made in any of the Channel Islands or within One League of the Coast thereof by any Officer of Customs or Person employed for the Prevention of Smuggling, it shall be lawful for the Commissioners of Customs to allow to such Officer or Person such Reward beyond the Sum directed by the One hundred and eighty-fourth Section of "The Customs Consolidation Act, 1853," as the said Commissioners may deem advisable, not exceeding in any Case the Sum of Five Pounds.

The Terms, "Governor, &c." in Channel Islands to include Jurats, who are to have the same Power.

XXII. The Terms "Governor, Deputy Governor, and Deemster," used in the Two hundred and sixty-third and Two hundred and seventy-seventh Sections of "The Customs Consolidation Act, 1853," shall be deemed to apply to and include Jurats of any of the Channel Islands, and each such Jurat shall have and exercise, in respect of any Offence against any Act relating to the Customs committed in or within One League of the Island in which he may be a Jurat, the same Powers as are vested in any Justice of the Peace in respect of any such Offences committed therein.

Goods the Growth or Manufacture of Isle of Man may be imported into Great Britain or Ireland on Certificate, &c.

XXIII. Any Goods the Growth of the Isle of Man, or there manufactured from Materials the Growth of the said Isle, or from Materials not subject to Duties in Great Britain or Ireland, or from Materials upon which the Duty has been paid in Great Britain or Ireland and upon which no Drawback has been subsequently granted, may be brought from the said Isle into Great Britain or Ireland without Payment of any Duty: Provided always, that such Goods may nevertheless be charged with such Proportion of such Duties as shall fairly countervail any Duties of Excise payable on the like Sort

of Goods the Produce of that Part of the United Kingdom into which they shall be brought or payable upon any of the Materials from which such Goods are manufactured; and any Articles either wholly or in part manufactured in the said Isle from any Materials upon which a higher Duty is payable upon their Importation into the United Kingdom than on their Importation into the Isle of Man, may be brought from the said Isle into Great Britain or Ireland on Payment of the Duty payable on such Goods in that Part of the United Kingdom into which they shall be so brought.

Isle of Man Part of United Kingdom for Customs Purposes.

XXIV. The Isle of Man shall be deemed and taken to be Part of the United Kingdom for the Purposes of this or any other Act relating to the Customs; but nothing herein contained shall prejudice or affect, or be construed in any Way, directly or indirectly, to prejudice or affect, any of the Rights or Privileges legally exercised or enjoyed by the said Isle at the Time of the passing of this Act.

Certain Vessels belonging to Her Majesty's Subjects, or whereof Half the Persons on board are Subjects of Her Majesty, and Foreign Vessels, found within certain Distances of the Coast of the United Kingdom or Channel Islands with certain Goods on board, forfeited, with the Goods.

XXV. If any Ship or Boat belonging wholly or in part to Her Majesty's Subjects, or having Half the Persons on board Subjects of Her Majesty, shall be found or discovered to have been within Four Leagues of that Part of the Coast of the United Kingdom which is between the North Foreland on the Coast of Kent and Beachy Head on the Coast of Sussex, or within Eight Leagues of any other Part of the Coast of the United Kingdom, or if any Foreign Ship or Boat having One or more Subjects of Her Majesty on board shall be found or discovered to have been within Three Leagues of the Coast of the United Kingdom, or if any Foreign Ship or Boat shall be found or discovered to have been within One League of the Coast of the United Kingdom, or if any Ship or Boat shall be found or discovered to have been within One League of the Channel Islands, any such Ship or Boat so found or discovered, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff not being in a Cask or a whole and complete Package containing Eighty Pounds Weight of Tobacco or Snuff at the least, or any Tobacco Stalks, Tobacco Stalk Flour, Snuff Work, or any Cordage or other Articles adapted and prepared for slinging or sinking small Casks, or any Casks or other Vessels whatsoever of less Size or Content than Twenty Gallons of the Description used for the smuggling of Spirits, then and in every such Case the said Spirits, Tea, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work, together with the Casks or Packages containing the same, and the

the Cordage or other Articles, Casks, and other Vessels of the Description aforesaid, and also the Ship or Boat, shall be forfeited.

Any Vessel or Boat arriving within any Port of the United Kingdom or of the Channel Islands having prohibited Goods on board or attached thereto forfeited.

XXVI. If any Ship or Boat shall be found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff, imported contrary to the Prohibitions and Restrictions contained in this or any other Act relating to the Customs, or any Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work, every such Ship or Boat, and such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, and Snuff Work shall be forfeited; but if it shall be made to appear to the Satisfaction of the Commissioners of Customs that such Spirits, Tobacco, Snuff, Tobacco Stalks, Tobacco Stalk Flour, or Snuff Work were on board without the Knowledge or Privity of the Owner or Master of such Ship or Boat, and without any wilful Neglect or Want of reasonable Care on their Parts, then and in such Case the said Commissioners shall deliver up the said Ship or Boat to the Owner or Master of the same.

Commissioners may waive Forfeiture.

Forfeiture not to extend to Ships and Goods in certain Cases.

XXVII. Nothing herein contained shall extend to render any Ship of One hundred and twenty Tons Burden or upwards liable to Forfeiture on account of any Tobacco, Cigars, or Snuff, if in whole and complete Packages, each containing not less than Eighty Pounds net Weight of such Tobacco, Cigars, or Snuff; nor to render any Ship of Fifty Tons Burden or upwards liable to Forfeiture on account of any Tea, or of any Spirits in Glass Bottles or Stone Bottles not exceeding the Size of Three Pints each, such Tea and Spirits being really Part of the Cargo of such Ship; nor to render any Ship liable to Forfeiture on account of any Spirits or Tea, or of any Tobacco really intended for the Consumption of the Seamen or Passengers on board during their Voyage, and not being more in Quantity than is necessary for that Purpose; nor to render any Ship liable to Forfeiture if really bound from one Foreign Port to another Foreign Port, and pursuing such Voyage, Wind and Weather permitting.

Persons on board Vessels within Ports of the United Kingdom or the Channel Islands, with contraband Articles,

XXVIII. Every Person who shall be found or discovered to have been on board any Ship or Boat liable to Forfeiture under this or any other Act relating to the Customs for being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or of the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto,

subject to Penalty of 100*l.* and Detention.

thereto, or conveying or having conveyed in any Manner, such Goods or Things as subject such Ship or Boat to Forfeiture, or who shall be found or discovered to have been on board any of Her Majesty's Ships or Vessels, or on board any Ship or Vessel in Her Majesty's Employment or Service, or on board of any Foreign Post Office Packet, being a national Vessel, employed in carrying the Mails between any Foreign Country and the United Kingdom, such last-mentioned Ships, Vessels, or Packets being found or discovered to have been within any Port, Bay, Harbour, River, or Creek of the United Kingdom or the Channel Islands, having on board or in any Manner attached thereto, or having had on board or in any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits not being in a Cask or other Vessel capable of containing Liquids of the Size or Content of Twenty Gallons at the least, or any Tobacco or Snuff not being in a whole and complete Package containing Eighty Pounds Weight of such Tobacco or Snuff at least, shall forfeit the Sum of One hundred Pounds; and every such Person shall and may be detained, and taken before any Justice, to be dealt with as herein-after directed.

Notice of Seizure of Goods.

XXIX. The Notice in Writing now required by the Two hundred and twenty-sixth Section of "The Customs Consolidation "Act, 1853," on the Seizure of Goods, shall not be required in Cases where the Seizure is made on the Person or in the Presence of the Offender; and where any such Notice is required, the same may be served either in the Manner prescribed by the said Section, or by Delivery at the Place of Abode of the Party to whom the same is addressed.

Where Persons are taken before a Justice for any Offence under any Act relating to the Customs, or likely to abscond, such Justice may order them to be detained a reasonable Time, or admit to Bail.

XXX. When any Person shall have been detained for any Offence against this or any other Act relating to the Customs, and taken before any Justice, such Justice may, if he see reasonable Cause, order such Person to be detained in Gaol or in the Custody of the Police or Constabulary Force a reasonable Time, to obtain the Order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary Informations, Convictions, and Warrants of Commitment, and at the Expiration of such Time to be brought before him, or any other Justice or Justices, who may then finally hear and determine the Matter; or when any Information shall have been preferred before any Justice against any Person for any such Offence, and it shall appear to such Justice, by Depositions on Oath, that such Person is likely to abscond before such Information can be heard, such Justice may, in lieu of issuing a Summons for the Appearance of the Offender, grant his Warrant to apprehend and bring such Offender before him or any other Justice, at a Time and Place to be named

named in such Warrant, for the Hearing of such Information; but any Person so detained or apprehended may be liberated, on giving, by Recognizance, Security to the Satisfaction of such Justice in the Sum of One hundred Pounds, or in the Amount of the Penalty sought to be recovered, to appear at such Time and Place as shall be appointed by such Justice for hearing the Case.

Penalty and Costs to be stated in Convictions, &c.

XXXI. When any Person is convicted before any Justice and adjudged to pay a pecuniary Penalty for any Offence against this or any Act relating to the Customs, such Justice shall state in the Conviction, and also in the Commitment of such Person, if committed in default of Payment, the Amount of Costs awarded to be paid by such Person, as well as the Penalty so adjudged, and shall commit such Person until Payment of such Penalty and Costs.

Execution after Trial out of Term.

XXXII. In any Case where a Verdict is or shall have been obtained at the Suit of the Crown against any Defendant in any of the Superior Courts, in any Cause tried out of Term, Execution thereon may issue on or after the Expiration of Fourteen Days from the Date of such Verdict, in the same Manner as Execution may issue in any Case under the One hundred and twentieth Section of "The Common "Law Procedure Act, 1852," unless the Judge who tried the Cause, or some other Judge, or the Court, shall order Execution to issue at any earlier or later Period with or without Terms.

Defendant's Option of removing a Case from the magisterial to the Superior Court to be exercised before the Hearing commences.

XXXIII. The Option given to a Defendant by Section Two hundred and sixty-four of "The Customs Consolidation Act, 1853," of removing any Proceedings against himself before any Justice to a Superior Court, shall not be exercised after the Commencement of the Trial or Hearing thereof before such Justice.

Count for harbouring, &c. smuggled Goods.

XXXIV. The Words "otherwise dealing with certain prohibited, restricted, or uncustomed Goods" in Count Sixteen of Schedule B. to "The Customs Consolidation Act, 1853," shall be deemed to apply to and include the harbouring or having Possession, as the Case may be, of any such Goods, and it shall not be necessary to prove that the Party charged was concerned in the unshipping thereof.

Evidence of Condemnation of Forfeiture.

XXXV. The Condemnation of Goods by any Justice as forfeited under the Laws relating to the Customs may be proved in any Court of Justice, or before any competent Tribunal, by the Production of such Condemnation purporting to be signed by such Justice, or an examined Copy of the Record of such Condemnation certified by the Clerk to such Justice.

 XXXVI. The

14 & 15 Vict. c. 99. not to extend to Revenue Cases.

XXXVI. The Second Section of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Ninety-nine, shall not be deemed to apply to any Prosecution, Suit, or other Proceeding in respect of any Offence, or for the Recovery of any Penalty or Forfeiture, under any Law now in force or hereafter to be made relating to the Customs or Inland Revenue.

Defendants in Customs Cases to have choice of Attorney and Counsel in Scotland.

XXXVII. Any Writer to the Signet, Solicitor before the Supreme Courts in Scotland, or Solicitor at Law duly licensed to practise as an Agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs, shall be competent to undertake the Defence of such Defendant, and to instruct Counsel for that Purpose; and any such Defendant who may not have retained any such Agent shall be entitled to be heard by his Counsel on any Trial for such Offence, although such Defendant may have previously appeared to answer such Suit in Person instead of appearing by Agent.

Making false Declarations.

Signing false Documents and untruly answering Questions.

Counterfeiting and using false Documents.

XXXVIII. If any Person shall in any Matter relating to the Customs make and subscribe any false Declaration, or make or sign any Declaration, Certificate, or other Instrument required to be verified by Signature only, the same being false in any Particular, or if any Person shall make or sign any Declaration made for the Consideration of the Commissioners of Customs, on any Application presented to them, the same being untrue in any Particular; or if any Person required by this or any other Act relating to the Customs to answer Questions put to him by the Officers of Customs shall not truly answer such Questions; or if any Person shall counterfeit, falsify, or wilfully use when counterfeited or falsified any Document required by this or any Act relating to the Customs or by or under the Directions of the Commissioners of Customs, or any Instrument used in the Transaction of any Business or Matter relating to the Customs, or shall fraudulently alter any Document or Instrument, or counterfeit the Seal, Signature, Initials, or other Mark of or used by the Officers of the Customs for the Verification of any such Document or Instrument, or for the Security of Goods, or any other Purpose in the Conduct of Business relating to the Customs, or under the Control or Management of the Commissioners of Customs or their Officers; every Person so offending shall for every such Offence forfeit the Penalty of One hundred Pounds.

Penalty 100*l.*

Persons complaining of Prohibition of Books in Copyright

XXXIX. If any Person shall have cause to complain of the Insertion of any Book in the Lists required by the Forty-sixth and One hundred and sixtieth Sections of "The Customs Consolidation Act, 1853,"

1853," to be published by the Commissioners of Customs, it shall be lawful for any Judge at Chambers, on the Application of the Person so complaining, to issue a Summons calling upon the Person upon whose Notice such Book shall have been so inserted to appear before such Judge, at a Time to be appointed in such Summons, to show Cause why such Book shall not be expunged from such Lists, and such Judge shall at the Time so appointed proceed to hear and determine upon the Matter of such Summons, and make his Order thereon in Writing, and upon Service of such Order, or a certified Copy thereof, upon the Commissioners of Customs or their Secretary for the Time being, the said Commissioners shall expunge such Book from the List, or retain the same therein, according to the Tenor of such Order; and in case such Book shall be expunged from such Lists, the same shall not be deemed to be prohibited under the Table of Prohibitions and Restrictions Inwards contained in the Forty-fourth Section of the said Act: If at the Time appointed in any such Summons the Person so summoned shall not appear before such Judge, then upon Proof by Affidavit that such Summons, or a true Copy thereof, has been personally served upon or left at the last known or usual Place of Abode of the Person so summoned, or in case the Person to whom such Summons was directed and his Place of Abode cannot be found, that due Diligence has been used to ascertain the same, such Judge shall be at liberty to proceed ex parte to hear and determine the Matter; but if either Party be dissatisfied with such Order he may apply to the Superior Court of which such Judge is a Member to review such Order, and make such further Order thereon as such Court may see fit.

Lists may appeal to a Judge in Chambers.

XL. From and after the passing of this Act, no Book shall be inserted in any List published by the Commissioners of Customs, under the Forty-sixth and One hundred and sixtieth Sections of "The Customs Consolidation Act, 1853," until the Person giving the Notice thereby required shall have made and subscribed a Declaration before the Collector of the Customs or any Justice of the Peace, at some Port or Place in the United Kingdom, that the Contents of such Notice are true: Provided always, that nothing in this Act contained shall prevent, prejudice, or affect any Proceeding at Law or in Equity which any Party, aggrieved by reason of the Insertion of any Book in any such List, in pursuance of any such Notice, or upon the Removal of any Book from such List pursuant to any such Order as aforesaid, or by reason of any Declaration to be made under the Authority of this Act being false, might or would otherwise have against any Party giving such Notice, or obtaining any such Order, or making such false Declaration as aforesaid.

Declaration of Truth of Notice of Copyright.

Soldiers, &c. not to be billetted on Coast Guard.

XLI. No Soldiers or Militia shall be billeted on Officers or Coast Guard Men in the Service of the Customs.

Declaratory Explanation of Term "Malt."

XLII. The Term "Malt" in the Table of Prohibitions and Restrictions Inwards relating to Goods absolutely prohibited to be imported, contained in the Forty-fourth Section of "The Customs Consolidation Act, 1853," shall be deemed to include all Malt, whether in Grain or in the Form of concentrated Extract or Essence, but shall not include any of the fermented Liquors made from Malt now specified in the Tariff.

Interpretation of Terms.

XLIII. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section.

Acts set forth in Schedule repealed.

XLIV. The several Acts and Parts of Acts set forth in the Schedule to this Act annexed are hereby repealed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts or Parts of Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

Incorporation in the Customs Consolidation Act, 1853.

XLV. Each of the several Sections of this Act set forth in Column No. 1. of the Table to this Act shall be deemed and taken to be incorporated in and form Part of "The Customs Consolidation Act, 1853," in the Order and Place assigned to each such Section in and by Column No. 2. of the said Table, and the said several Sections of this Act shall be read and construed with the said Customs Consolidation Act, 1853, and the Provisions of the latter Act shall be deemed to relate to and be applicable to said several Sections of this Act, in the same Manner and to the same Extent as if the said several Sections of this Act had been originally enacted therein, in the Order and Place so assigned to each such Section in and by the said Table; and the several Forms contained in Schedule B. to the said

said "Customs Consolidation Act, 1853," shall and may be used with reference to any Offences under this Act in the same Manner as they are made applicable to Offences against the said "Customs Consolidation Act, 1853," and, when necessary, the numerical Reference in such Forms to the Sections of this Act creating the Offence charged shall be made accordingly.

Act to be registered in Royal Courts of Guernsey and Jersey.

XLVI. This Act shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement and Short Title of Acts.

XLVII. This Act shall come into operation on the Day of the passing of this Act; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Supplemental Customs Consolidation Act, 1855."

SCHEDULE of Acts to be repealed.

Date of Act.	Title of Act.	Extent of Repeal.
16 & 17 Vict. c. 107.	Customs Consolidation Act, 1853.	Sections 119, 192, 193, 198, 210, 212, 213, 214, 236, 240, 346, 348. So much of the Table of Prohibitions and Restrictions Inwards on Goods prohibited to be imported, except subject to the Restrictions on Importation therein contained, as relates to Tobacco and Snuff under the several Denominations of Tobacco, Cigars, Cigarillos, Cigarrettos, and Snuff, being Part of Section 44. The following Words, viz., "With "the Addition of the Value of "such Goods, if any, as shall "have been previously charge- "able with Duty at Value and "of British Goods," being Part of the Proviso contained in Section 125; and so much of Section 142 as relates to the Delivery of a Duplicate Bill of Lading on the Shipment of Goods, and within Fourteen Days after final Clearance of the Ship, a List of such Goods, with the Quantities and Values thereof, as thereby required.
17 Vict. c. 5. - - -	An Act to admit Foreign Ships to the Coasting Trade.	The whole Act.
17 & 18 Vict. c. 122.	An Act for the further Alteration and Amendment of the Laws and Duties of Customs.	The whole Act.

TABLE referred to in Section XLV.

Column No. 1. Sections of "The Supplemental Customs Consolidation Act, 1855."	Column No. 2. Order and Place of Incorporation in "The Customs Consolidation Act, 1853."					
Section 1	In lieu of Part of	Section 44	of	"The Customs Consolidation Act, 1853"		Repealed by this Act.
2	After	Section 51	,,	,,	,,	
3	After	Section 64	,,	,,	,,	
4	After	Section 65	,,	,,	,,	
5 & 6	After	Section 74	,,	,,	,,	
7	After	Section 104	,,	,,	,,	
8	In lieu of	Section 119	,,	,,	,,	Repealed by this Act.
9	After	Section 125	,,	,,	,,	
10	After	Section 145	,,	,,	,,	
11	After	Section 118	,,	,,	,,	
12, 13, & 14	In lieu of	Section 152	,,	,,	,,	Repealed by 17 Vict. c. 5.
15	After	Section 158	,,	,,	,,	
16	After	Section 159	,,	,,	,,	
17	In lieu of	Section 193	,,	,,	,,	Repealed by 17 & 18 Vict. c. 122. s. 16.
18	In lieu of	Section 192	,,	,,	,,	Repealed by this Act.
19 & 20	After	Section 191	,,	,,	,,	
21	After	Section 277	,,	,,	,,	
22	In lieu of	Section 348	,,	,,	,,	Repealed by this Act.
23	In lieu of	Section 346	,,	,,	,,	Repealed by this Act.
24	In lieu of	Section 212	,,	,,	,,	Repealed by this Act.
25	In lieu of	Section 213	,,	,,	,,	Repealed by this Act.
26	In lieu of	Section 214	,,	,,	,,	Repealed by this Act.
27	In lieu of	Section 236	,,	,,	,,	Repealed by this Act.
28	After	Section 226	,,	,,	,,	
29	In lieu of	Section 240	,,	,,	,,	Repealed by this Act.
30	After	Section 263	,,	,,	,,	
31	After	Section 313	,,	,,	,,	
32	After	Section 264	,,	,,	,,	
33	After	Section 269	,,	,,	,,	
34 & 35	After	Section 308	,,	,,	,,	
36	After	Section 323	,,	,,	,,	
37	In lieu of	Section 198	,,	,,	,,	Repealed by this Act.
38 & 39	After	Section 46	,,	,,	,,	
40	After	Section 7	,,	,,	,,	
41	After	Section 44	,,	,,	,,	
42	After	Section 357	,,	,,	,,	

Customs Laws Consolidation.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate certain Acts, and otherwise amend the Laws of the Customs.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 25 *July* 1855.

[Bill 269.]

Under 3 oz.

A

BILL

FOR

The Amendment and Consolidation of the Customs Tariff Acts.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instead of all other Duties and Drawbacks of Customs, there shall be paid and allowed the Duties and Drawbacks in Tables annexed.

Duties in Table to be levied on Goods imported into Isle of Man.

Free Goods.

I. From and after *the passing of this Act*, in lieu and instead of all other Duties and Drawbacks of Customs, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into any Part of Great Britain or Ireland, the several Duties of Customs and there shall be allowed upon Goods exported the several Drawbacks as the same are respectively inserted, described, and set forth in Table (A.) to this Act annexed; and in lieu of all Duties of Customs now payable by Law upon the Importation of Goods into the Isle of Man there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in Table (B.) to this Act annexed; and all the Goods described as free in the said Table (A.) shall be exempt from Duty on the Importation thereof into Great Britain or Ireland, and those described as free in the said Table (B.) shall be exempt from Duty on the Importation thereof into the Isle of Man.

Power to the Treasury to remit and reimpose the Duties levied on unenumerated Articles imported into Isle of Man.

II. The Commissioners of the Treasury may from Time to Time, by any Order or Orders under their Hands, declare that all or any Articles legally importable into the Isle of Man, and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after any Day or Days named in such Order or Orders, be imported from the Places and in the Manner therein mentioned into the Isle of Man Duty-free during such Time or Times as shall be therein named, or until such Order or Orders respectively, or any of them, shall be rescinded, and such Articles shall be imported Duty-free accordingly so long as any such Order or Orders, or any of them, shall continue unrescinded; and the said Commissioners may, at any Time, by any Order under their Hands, revoke the whole or any Part of any previous Order or Orders, or any of them, for such Time and in such Manner as they may see fit; and all Orders of the Commissioners of the Treasury made in pursuance of this Enactment shall be duly published in the London and Dublin Gazettes twice at least within Fourteen Days from the Date of such Orders respectively, and a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

Drawbacks on Sugar.

III. The Drawbacks upon Sugar allowed under Table (A.) to this Act shall also be allowed and paid on the like Kinds of Sugar, upon the same being deposited in any approved Warehouse, upon such Terms and Conditions and subject to such Regulations as the Commissioners of Customs may direct, for Delivery therefrom as Ships Stores only, or for the Purpose of sweetening British Spirits in Bond.

Commissioners of Customs to provide Standard Samples of White Clayed Sugar and Brown Clayed Sugar.

IV. For facilitating the due Assessment of Duties on White Clayed Sugar or Sugar rendered by any Process equal to White Clayed, and on Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, considered collectively as they affect the general Quality of such Sugars, the Commissioners of Customs shall provide and renew from Time to Time Samples of White Clayed Sugar and of Sugar rendered equal in Quality to White Clayed Sugar, and of Yellow Muscovado or Brown Clayed Sugar, which shall be deemed to be Standard Samples for the Purpose of comparing therewith Sugars entered for Home Consumption; and no Sugar shall, as regards the Payment of Duty, be deemed to be White Clayed Sugar or Sugar rendered

rendered by any Process equal to White Clayed Sugar, unless equal to the Standard Samples of White Clayed Sugar or of Sugar rendered equal in Quality to White Clayed Sugar, or be deemed to be Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal to Yellow Muscovado or Brown Clayed Sugar, unless equal to the Standard Sample of Yellow Muscovado or Brown Clayed Sugar: It shall also be lawful for the Commissioners of Customs, if the Commissioners of the Treasury shall so direct, to furnish separate Samples for the Assesment of the Duties on Yellow Muscovado and on Brown Clayed Sugars, and also for the Assessment of the Duties upon Refined Sugar.

Metage Dues on Fruit.

V. The Metage Dues now payable upon Fruit imported into the Port of London shall not be increased in consequence of the Duties upon such Fruit being levied by the Bushel.

Entries of Arms, &c. to contain the Numbers and Description of the Articles.

VI. On the Entry of Arms and Ammunition of War, whether for Home Use, Exportation, or in Transit, the Number and Quantity of Articles of each Description, as denominated in Table (A.) to this Act, shall be stated in the Import, Export, or Transit Entry, as the Case may be.

Manufactures of Gibraltar, &c. from Foreign Materials deemed Foreign.

VII. All Manufactures of Gibraltar, Malta, and Heligoland, made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Acts repealed.

VIII. The following Acts, viz., "The Customs Tariff Act, 1853," the Acts of the Seventeenth and Eighteenth Years of Her present Majesty, Chapters Twenty-eight, Twenty-nine, and the First and Fifth Sections of Chapter One hundred and twenty-two, and of the Eighteenth Year of Her said Majesty, Chapters Nine and Twenty-one, are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty, or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken, or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

When Contracts have been entered into, Amount of increased or decreased Duty to be added or deducted.

IX. In the event of any Increase or Decrease by Law in the Duties of Customs chargeable upon any Goods or Commodities after the making of any Contract or Agreement for the Sale or Delivery of such Goods Duty-paid, it shall be lawful for the Seller, in case such Increase shall accrue before the Clearance and Delivery from the Warehouse of such Goods at such increased Duty, and after Payment thereof, to add so much Money to the Contract Price as will be equivalent to such Increase of Duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the Purchaser under any such Contract or Agreement, in case such Decrease shall take effect before the Clearance and Delivery from the Warehouse at such decreased Duty, to deduct so much Money from the Contract Price as will be equivalent to such Decrease of Duty, and he shall not be liable to pay or be sued for in respect of such Deduction.

Short Title.

X. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Tariff Act, 1855."

TABLE

TABLE (A.)

Duties applicable to Great Britain and Ireland.

		£	s.	d.
Agates or Cornelians, set	for every 100*l.* Value	*10*	*0*	*0*
not set, cut, or manufactured		Free.		
not cut or manufactured		Free.		
Albumen		Free.		
Ale. See Beer.				
Alganobilla Seed		Free.		
Alkali, not being Barilla		Free.		
Alkanet Root		Free.		
Almonds, not Jordan, nor Bitter	the Cwt.	*0*	*10*	*0*
Jordan	the Cwt.	*0*	*10*	*0*
Bitter		Free.		
Paste of	the lb.	*0*	*0*	*2*
Aloes		Free.		
Alum, Roch		Free.		
not Roch		Free.		
Amber, rough		Free.		
Manufactures of, not enumerated (except Beads)		Free.		
Ambergris		Free.		
Amboyna Wood		Free.		
Ammonia, liquid		Free.		
Sulphate of		Free.		
Ammunition, viz.:—				
Shot, large and small, of Lead	the Cwt.	*0*	*2*	*0*
" of Iron	the Cwt.	*0*	*2*	*6*
Rockets and other Combustibles, for Purposes of War, and not otherwise enumerated or described, for every 100*l.* Value thereof		*10*	*0*	*0*
Anchovies. See Fish.				
Angelica		Free.		
Animals (living), viz.:—				
Asses		Free.		
Goats		Free.		
Kids		Free.		
Oxen and Bulls		Free.		
Cows		Free.		
Calves		Free.		
Horses, Mares, Geldings, Colts, Foals		Free.		
Mules		Free.		
Sheep		Free.		
Lambs		Free.		
Swine and Hogs		Free.		
Pigs (sucking)		Free.		
Annatto Roll and Flag		Free.		
Antimony, viz.:—				
Ore of		Free.		
Crude		Free.		
Regulus		Free.		
Apples, raw	the Bushel	*0*	*0*	*3*
of and from British Possessions	the Bushel	*0*	*0*	*2*
dried	the Bushel	*0*	*1*	*0*
Aquafortis		Free.		

		£	s.	d.
Argol		Free.		
Aristolochia		Free.		
Arms, viz.:—				
Swords, Cutlasses, Matchetts, Bayonets, Gun Barrels, Gun Locks, Cannon, and Mortars of Iron, not mounted nor accompanied with Carriages	the Cwt.	0	2	6
Cannon and Mortars of Brass, not mounted nor accompanied with Carriages	the Cwt.	0	10	0
Cannon, Mortars, mounted or accompanied with Carriages, and other Fire Arms, viz.: Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sort not enumerated, and Pistols	for every 100*l.* Value thereof	10	0	0
Arrowroot	the Cwt.	0	0	4½
Arsenic		Free.		
Art, Works of, of whatever Metal		Free.		
Ashes, viz.:				
Pearl and Pot		Free.		
Soap		Free.		
Weed		Free.		
Wood		Free.		
not enumerated		Free.		
Asphaltum or Bitumen Judaicum		Free.		
Bacon		Free.		
Balsams, viz.:—				
Canada		Free.		
Capivi		Free.		
Peru		Free.		
Riga		Free.		
Tolu		Free.		
Balm of Gilead, and unenumerated Balsam		Free.		
Bandstring Twist		Free.		
Barilla		Free.		
Bark for Tanners or Dyers Use		Free.		
Cascarilla		Free.		
Peruvian		Free.		
of other Sorts		Free.		
Extract of. See Extract.				
Barley, pearled	the Cwt.	0	0	4½
Barwood		Free.		
Barytes, Sulphate of, ground		Free.		
Basket Rods, peeled		Free.		
unpeeled		Free.		
Baskets	the Cubic Foot	0	0	4
Bast Ropes, Twines and Strands		Free.		
Beads, viz.:—				
Arango	the lb.	0	0	2
and Bugles of Glass		Free.		
Coral	the lb.	0	1	6
Crystal	the lb.	0	0	2
Jet	the lb.	0	0	2
not otherwise enumerated or described	the lb.	0	0	2
Beans, Kidney and French. See Seeds.				
Beef, salted		Free.		
fresh, or slightly salted		Free.		
Beef Wood		Free.		

		£	s.	d.
Beer or Ale	the Barrel	1	0	0
Mum	the Barrel	1	0	0
Spruce	the Barrel	1	10	0
of other Sorts	the Barrel	1	0	0
Berries, viz.:—				
Bay		Free.		
Juniper		Free.		
Yellow		Free.		
Myrobalan		Free.		
unenumerated, commonly made use of in Chemical Processes		Free.		
unenumerated, not commonly made use of in Chemical Processes		Free.		
Birds, viz., Singing Birds		Free.		
Biscuit and Bread	the Cwt.	0	0	4½
Bitumen Judaicum. See Asphaltum.				
Blacking		Free.		
Black Wood		Free.		
Bladders		Free.		
Bones (except Whale Fins), whether burnt or not, or as Animal Charcoal		Free.		
Books, viz.:—				
being of Editions printed prior to the Year 1801, bound or unbound		Free.		
being of Editions printed in or since the Year 1801, bound or unbound		1	10	0
admitted under Treaties of International Copyright, or if of and from any British Possession	the Cwt.	0	15	0
Boracic Acid		Free.		
Borax, refined		Free.		
or Tincal, unrefined		Free.		
Bottles of Earth and Stone		Free.		
Boxes, viz.:—				
Brass	the Cwt.	1	10	0
not otherwise charged with Duty, for every 100*l.* Value		10	0	0
Box Wood		Free.		
Bran		Free.		
Brass, Manufactures of, not otherwise enumerated	the Cwt.	0	10	0
Powder of		Free.		
Old, fit only to be re-manufactured		Free.		
Wire		Free.		
Brazil Wood		Free.		
Brazilletto Wood		Free.		
Bricks or Clinkers, Dutch		Free.		
other Sorts		Free.		
Brimstone, unrefined		Free.		
refined, in Rolls		Free.		
in Flour		Free.		
Bristles, rough and in the Tufts, and not in any way sorted		Free.		
in any way sorted or arranged in Colours, and not entirely rough and in the Tufts		Free.		
Brocade of Gold and Silver	the lb.	0	5	0
Bronze, all Works of Art		Free.		
Manufactures of, or of Metal bronzed or lacquered,	the Cwt.	0	10	0
Powder		Free.		
Brushes, Paint		Free.		

		£	s.	d.
Bullion and Foreign Coin, of Gold or Silver		Free.		
Bullrushes		Free.		
Butter	the Cwt.	0	5	0
of and from a British Possession	the Cwt.	0	2	6
Buttons, and Studs, of Metal		Free.		
other Sorts		Free.		
Cables (not being Iron Cables), tarred or untarred, old and new		Free.		
Cameos, not set		Free.		
Camomile Flowers		Free.		
Camphor, unrefined		Free.		
refined		Free.		
Camwood		Free.		
Candles, viz., Spermaceti	the Cwt.	0	2	4
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be repealed at an earlier Time, in which Case, or after the 5th April 1858, this Duty shall be reduced to the same Rate as Tallow Candles,	the Cwt.	0	3	6
Tallow	the Cwt.	0	2	4
Wax	the Cwt.	0	2	4
Candlewick		Free.		
Canella Alba		Free.		
Canes, viz., Bamboo		Free.		
Rattans, not ground		Free.		
Reed Canes		Free.		
Walking Canes or Sticks, mounted, painted, or otherwise ornamented	the 100	0	6	0
Umbrella and Parasol Sticks	the 100	0	3	0
or Sticks, unenumerated		Free.		
Cantharides		Free.		
Caoutchouc		Free.		
Manufactures of	the lb.	0	0	4
Capers, including the Pickle	the lb.	0	0	1½
Cardamoms		Free.		
Cards, viz., Playing Cards	the Dozen Packs	0	15	0
Carmine		Free.		
Carriages of all Sorts		Free.		
Casks, empty		Free.		
Cassava Powder	the Cwt.	0	0	4½
Cassia, viz., Buds		Free.		
Fistula		Free.		
Lignea	the lb.	0	0	1
Castor		Free.		
Casts of Busts, Statues, or Figures		Free.		
Catlings		Free.		
Caviare		Free.		
Cedar Wood		Free.		
Chalk, viz., unmanufactured		Free.		
prepared or manufactured, and not otherwise enumerated		Free.		
Cheese	the Cwt.	0	2	6
of and from British Possessions	the Cwt.	0	1	6

The Duty on Cheese to be charged on landing Weight.

		£	s.	d.
Cherries, raw	the Bushel	0	0	2
dried, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Cherry Wood		Free.		
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee, viz.:				
raw or kiln-dried		Free.		
roasted or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	5
thereafter	the lb.	0	0	4
China Root		Free.		
China or Porcelain Ware, plain, painted, gilt, and ornamented	the Cwt.	0	10	0
Chip or Willow for platting		Free.		
Chloroform	the lb.	0	3	6
Cider		Free.		
Cinnabaris nativa		Free.		
Cinnamon	the lb.	0	0	2
Citrate of Lime		Free.		
Citric Acid		Free.		
Citron, preserved with Salt		Free.		
Civet		Free		
Clocks, viz., not exceeding the Value of 5*s.* each	the Dozen	0	4	0
exceeding the Value of 5*s.* and not exceeding the Value of 12*s.* 6*d.* each	the Dozen	0	8	0
exceeding the Value of 12*s.* 6*d.* and not exceeding the Value of 3*l.* each	each	0	2	0
exceeding the Value of 3*l.* and not exceeding the Value of 10*l.* each	each	0	4	0
exceeding the Value of 10*l.* each	each	0	10	0
Cloves	the lb.	0	0	2
Coals, Culm, or Cinders		Free.		
Cobalt		Free.		
Ore of		Free.		
Oxide of		Free.		
Cochineal		Free.		
Granilla		Free.		
Dust		Free.		
Cochinella Wood		Free.		
Cocoa	the lb.	0	0	1
Husks and Shells	the Cwt.	0	2	0
Paste or Chocolate	the lb.	0	0	2
Coculus Indicus	the Cwt.	0	5	0
Coffee, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	4
thereafter	the lb.	0	0	3

		£	s.	d.
Coffee—*continued.*				
kiln-dried, roasted, or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	5
thereafter	the lb.	0	0	4
A Drawback shall be allowed on all roasted Coffee exported as Ship's Stores or removed to the Isle of Man for Consumption there, equal in Amount to the Import Duty on raw Coffee				
Coir, Rope, Twine, and Strands		Free.		
Colocynth		Free.		
Columbo Root		Free.		
Comfits, dry, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Confectionery, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Copper, Ore of		Free.		
Regulus of		Free.		
old, fit only to be re-manufactured		Free.		
unwrought, viz., in Bricks or Pigs, Rose Copper, and all cast Copper		Free.		
part wrought, viz., Bars, Rods, or Ingots hammered or raised		Free.		
in Plates and Copper Coin		Free.		
Wire		Free.		
Manufactures of, not otherwise enumerated or described, and Copper Plates engraved	the Cwt.	0	10	0
Copperas, Blue		Free.		
Green		Free.		
White		Free.		
Coral, viz., Beads. (See Beads.)				
in Fragments		Free.		
whole, polished		Free.		
unpolished		Free.		
Negligees	the lb.	0	1	0
Cordage		Free.		
Cork		Free.		
Corks, ready made	the lb.	0	0	6
squared for rounding	the Cwt.	0	8	0
Fishermen's		Free.		
Corn, Grain, Meal, and Flour, viz.:—				
Wheat	the Quarter	0	1	0
Barley	the Quarter	0	1	0
Oats	the Quarter	0	1	0
Rye	the Quarter	0	1	0
Pease	the Quarter	0	1	0
Beans	the Quarter	0	1	0
Maize or Indian Corn	the Quarter	0	1	0

	£.	s.	d.
Corn, &c.—*continued.*			
Buck Wheat - - - the Quarter	0	1	0
Bear or Bigg - - - the Quarter	0	1	0
Wheat Meal and Flour - - - the Cwt.	0	0	4½
Barley Meal - - - the Cwt.	0	0	4½
Oat Meal and Groats - - - the Cwt.	0	0	4½
Rye Meal and Flour - - - the Cwt.	0	0	4½
Pea Meal - - - the Cwt.	0	0	4½
Bean Meal - - - the Cwt.	0	0	4½
Maize or Indian Corn Meal - - the Cwt.	0	0	4½
Buck Wheat Meal - - - the Cwt.	0	0	4½
Cowries - - - -	Free.		
Cotton Manufactures, viz.:—			
East India Piece Goods, viz.:—			
Calicoes and Muslins, White - -	Free.		
dyed or coloured - -	Free.		
Nankeens, not dyed or coloured - -	Free.		
dyed or coloured - -	Free.		
Handkerchiefs, dyed or coloured - - -	Free.		
Manufactures, not being Articles wholly or in part made up, not otherwise charged with Duty - -	Free.		
Wool. See Wool.			
Yarn - - - - -	Free.		
Fringe - - - - the lb.	0	0	2
Gloves, of Cotton or Thread - - the Dozen Pairs	0	0	3
Stockings, of Cotton or Thread - the Dozen Pairs	0	0	6
Socks, or Half Hose of Cotton or Thread the Dozen Pairs	0	0	3
Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty, for every 100*l.* Value	5	0	0
Cranberries - - - - -	Free.		
Crayons - - - - -	Free.		
Cream of Tartar - - - -	Free.		
Crystal, viz.:—			
rough - - - - -	Free.		
cut or manufactured, except Beads - - -	Free.		
Cubebs - - - - -	Free.		
Cubic Nitre. See Nitre.			
Cucumbers, viz., preserved in Salt - - -	Free.		
Currants - - - - - the Cwt. and 5 per Cent. thereon.	0	15	0
Cutch - - - - - -	Free.		
Daguerreotype Plates - - - - the lb.	0	0	3
Dates - - - - - the Cwt.	0	10	0
Diamonds - - - - -	Free.		
Dice - - - - - the Pair	1	1	0
Divi Divi - - - - - -	Free.		
Down - - - - - -	Free.		
Drugs, not enumerated - - - - -	Free.		
Earthenware, not otherwise enumerated or described, the Cwt.	0	10	0
Ebony - - - - - -	Free.		
Eggs, the Cubic Foot of the Package, internal Measurement,	0	0	8
of and from British Possessions, the Cubic Foot of the Package, internal Measurement	0	0	4
Elder Flower Water - - - - -	Free.		

	£	s.	d.
Embroidery and Needlework, viz.:—			
On Silk, or Silk mixed with other Materials, not being Silk Net - - - for every 100*l.* Value	15	0	0
of and from British Possessions, for every 100*l.* Value	5	0	0
Silk Net, figured with the Needle, being Imitation Lace, and Articles thereof - - - the lb.	0	10	0
Cotton Net, figured with the Needle, being Imitation Lace, and Articles thereof - - the lb.	0	8	0
Curtains, commonly called Swiss, embroidered on Muslin or Net - - - - - the lb.	0	1	0
All other Embroidery not enumerated, for every 100*l.* Value	10	0	0
of and from British Possessions, for every 100*l.* Value	5	0	0
Enamel - - - - - - -	Free.		
Essence of Spruce - - - for every 100*l.* Value	10	0	0
Extract of Cardamoms - - for every 100*l.* Value	20	0	0
Coculus Indicus - - for every 100*l.* Value	20	0	0
Guinea Grains of Paradise - for every 100*l.* Value	20	0	0
Licorice - - - for every 100*l.* Value	20	0	0
Nux Vomica - - for every 100*l.* Value	20	0	0
Opium - - - for every 100*l.* Value	20	0	0
Guinea Pepper - - for every 100*l.* Value	20	0	0
Peruvian or Jesuit's Bark - for every 100*l.* Value	20	0	0
Quassia - - - for every 100*l.* Value	20	0	0
Radix Rhataniæ - - for every 100*l.* Value	20	0	0
Vitriol - - - for every 100*l.* Value	20	0	0
Chesnut Bark or Wood - - - - -	Free.		
Quercitron Bark - - - - -	Free.		
Logwood - - - - -	Free.		
Safflower - - - - - - - -	Free.		
Bark, or of other Vegetable Substances to be used for tanning or other manufacturing Purposes - -	Free.		
or Preparation of any Article, not particularly enumerated, nor otherwise charged with Duty, for every 100*l.* Value	20	0	0
or, and in lieu of the above Duty, at the Option of the Importer - - - - the lb.	0	5	0
Feathers for Beds, in Beds or otherwise - - -	Free.		
Ostrich, dressed - - - - the lb.	0	3	0
undressed - - - - -	Free.		
Paddy Bird, dressed - - - the lb.	0	3	0
undressed - - - -	Free.		
not otherwise enumerated or described, viz.:—			
dressed - - - - the lb.	0	3	0
undressed - - - - -	Free.		
Figs - - - - - - - the Cwt.	0	15	0
and 5 per Cent. thereon.			
Fig Cake - - - - - the Cwt.	0	15	0
Fish, viz.:—			
Anchovies - - - - - -	Free.		
Cod - - - - - -	Free.		
Caplin - - - - - -	Free.		
Eels, Shiploads - - - - -	Free.		
in small Quantities - - - -	Free.		
Herrings - - - - - -	Free.		
Lobsters - - - - -	Free.		
Mackarel - - - - - -	Free.		

	£	s.	d.
Fish—*continued.*			
Oysters		Free.	
Salmon		Free.	
Soles		Free.	
Sounds and Tongues		Free.	
Turbots		Free	
Turtle		Free.	
fresh, not otherwise enumerated		Free.	
cured, not otherwise enumerated		Free.	
Flax, dressed		Free.	
rough or undressed		Free.	
Tow and Codilla of		Free.	
Flock for Paper Stainers		Free.	
Flocks		Free.	
Flower Roots		Free.	
Flowers, Artificial, whether of Silk or of other Materials, per Cubic Foot as packed; no Allowance for vacant Spaces	the Cubic Foot	*0*	*12*	*0*
Frames for Pictures, Prints, Drawings, or Mirrors		Free.	
Fruit, viz., raw, not otherwise enumerated	the Bushel	*0*	*0*	*2*
Furniture Woods, not particularly enumerated, except Ash, Beech, Birch, Elm, Oak, Wainscot		Free.	
Fustic		Free.	
Gallic Powder		Free.	
Galls		Free.	
Gamboge		Free.	
Garancine		Free.	
Garnets, cut, not set		Free.	
uncut		Free.	
Gauze of Thread		Free.	
Gelatine		Free.	
Gentian		Free.	
Ginger	the Cwt.	*0*	*5*	*0*
preserved, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	*0*	*0*	*2½*
for the following Twelve Months after such 5th Day of April	the lb.	*0*	*0*	*2*
thereafter	the lb.	*0*	*0*	*1½*
Ginseng		Free.	
Glass, viz.:—			
Any kind of Window Glass, White, or stained of One Colour only, (except Plate or rolled Glass,) and Shades and Cylinders, until the 5th April 1857 inclusive	the Cwt.	*0*	*1*	*6*
from and after 5th April 1857		Free.	
Flint Cut Glass, Flint Coloured Glass, and Fancy Ornamental Glass, of whatever Kind	the Cwt.	*0*	*10*	*0*
Plate Glass, cast or rolled, of whatever Thickness, whether silvered, polished, or rough, and silvered Glass not otherwise enumerated		Free.	
Painted		Free.	
White Flint Glass Bottles, not cut, engraved, or otherwise ornamented		Free.	
Beads and Bugles. See Beads.			
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented		Free.	
Bottles of Glass covered with Wicker (not being Cut Glass) or of Green or Common Glass		Free.	

		£	s.	d.
Glass—*continued*				
Articles of Green or Common Glass		Free.		
Manufactures, not otherwise enumerated or described, and old broken Glass fit only to be re-manufactured		Free.		
Glue		Free.		
Clippings or Waste of any kind fit only for Glue		Free.		
Gold, Leaves of		Free.		
Ore of, and Ore of which the greater Part in Value is Gold		Free.		
Gongs	the Cwt.	*1*	*0*	*0*
Grains, Guinea, and of Paradise	the Cwt.	*0*	*15*	*0*
Grapes	the Bushel	*0*	*0*	*2*
Grease		Free.		
Greaves, for Dogs		Free.		
Tallow		Free.		
Guano		Free.		
Gum, viz.:—				
Animi		Free.		
Copal		Free.		
Arabic		Free.		
Senegal		Free.		
Lac Dye		Free.		
Seed Lac		Free.		
Shellac		Free.		
Sticklac		Free.		
Ammoniacum		Free.		
Asafœtida		Free.		
Euphorbium		Free.		
Guiacum		Free.		
Kino		Free.		
Mastic		Free.		
Tragacanth		Free.		
unenumerated		Free.		
Gunpowder		Free.		
Gun Stocks in the rough, of Wood		Free.		
Gutta Percha		Free.		
Manufactures of, not moulded, such as Bands, Sheets, Soles, Tubing	the Cwt.	*0*	*5*	*0*
Articles moulded	the lb.	*0*	*0*	*2*
Gypsum		Free.		
Hair, viz.:—				
Camels Hair or Wool		Free.		
Cow, Ox, Bull, or Elk Hair		Free.		
Goats Hair or Wool. See Wool.				
Horse Hair		Free.		
Human Hair		Free.		
unenumerated		Free.		
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, not particularly enumerated or otherwise charged with Duty		Free.		
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, wholly or in part made up, not particularly enumerated or otherwise charged with Duty	for every 100*l.* Value	*5*	*0*	*0*
Hams, of all Kinds		Free.		
Harp-strings or Lute-strings, silvered		Free.		
Hats or Bonnets, viz.:—				
of Chip	the lb.	*0*	*2*	*6*
of Bast, Cane, or Horsehair	the lb.	*0*	*2*	*6*
of Straw	the lb.	*0*	*2*	*6*
of Felt, Hair, Wool, or Beaver	each	*0*	*1*	*0*

		£	s.	d.
Hats of Silk or Silk Shag, laid upon Felt, Linen, or other Material	each	0	1	0
Hay		Free.		
Heath for Brushes		Free.		
Hellebore		Free.		
Hemp, viz. :—				
dressed		Free.		
rough or undressed		Free.		
Tow and Codilla of Hemp		Free.		
Jute		Free.		
other Vegetable Substances of the Nature and Quality of undressed Hemp, and applicable to the same Purposes		Free.		
Hides, not tanned, tawed, curried, or in any way dressed,				
dry		Free.		
wet		Free.		
tawed, curried, or in any way dressed, not being varnished, japanned, or enamelled		Free.		
if varnished, japanned, or enamelled		Free.		
Losh Hides		Free.		
Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed		Free.		
or Pieces thereof, raw or undressed, unenumerated		Free.		
in any way dressed, not otherwise enumerated		Free.		
Tails, Buffalo, Bull, Cow, or Ox		Free.		
tanned, not otherwise dressed		Free.		
Hones		Free.		
Honey		Free.		
Hoofs of Cattle		Free.		
Hoops of Wood. See Wood.				
Hops, until the 1st August 1855	the Cwt.	1	0	0
from and after that Date	the Cwt.	2	5	0
Horns, Horn Tips, and Pieces of Horn		Free.		
Ice		Free.		
Indigo		Free.		
Ink for Printers		Free.		
Indian		Free.		
Inkle, unwrought		Free.		
wrought		Free.		
Iron, Ore of		Free.		
Pig		Free.		
Bars, unwrought		Free.		
Wire		Free.		
Rough Castings		Free.		
Bloom		Free.		
Chromate of		Free.		
Slit or hammered into Rods		Free.		
Cast		Free.		
Hoops		Free.		
Old broken and old Cast Iron		Free.		
Iron and Steel, wrought or manufactured, except Arms and Ammunition, viz. :—				
Machinery, Wrought Castings, Tools, Cutlery, and other Manufactures of Iron or Steel, not enumerated,	the Cwt.	0	2	6
Fancy ornamental Articles of Iron or Steel	the Cwt.	0	15	0
Manufactures of, coated with Brass or Copper by any Galvanic Process	the Cwt.	0	3	6
Isinglass		Free.		

		£	s.	d.
Jalap		Free.		
Japanned or Lacquered Ware	the Cwt.	1	0	0
Jet		Free		
Jewels, Emeralds, and all other precious Stones, set,	for every 100*l.* Value	10	0	0
	unset	Free.		
Juice of Lemons, Limes, or Oranges		Free.		
Kernels. See Nuts.				
Kingwood		Free.		
Lace, and Articles thereof, viz. :—				
Mohair or Worsted	the lb.	0	1	0
Thread or Cotton Pillow Lace (not being Brussels Point or Saxon Bone Lace), not exceeding One Inch in Width	the lb.	1	0	0
exceeding One Inch in Width	the lb.	2	0	0
Silk Pillow Lace (not being Saxon Wire Ground Lace) and Application	the lb.	1	10	0
Silk Saxon Wire Ground Lace, and all Lace known as Maltese	the lb.	0	8	0
Brussels Point and other Lace, made by the Hand, not otherwise charged with Duty for every 100*l.* Value		10	0	0
Lacquered Ware. See Japanned Ware.				
Lamp Black		Free.		
Lapis Calaminaris		Free.		
Lard		Free.		
Latten		Free.		
Shaven		Free.		
Wire		Free.		
Lavender Flowers		Free.		
Lead, Ore of		Free.		
Black		Free.		
Pig and Sheet		Free.		
Red		Free.		
White		Free.		
Chromate of		Free.		
Manufactures of, not otherwise enumerated	the Cwt.	0	2	0
Leather Manufactures, viz. :—				
Boots, Shoes, and Calashes, viz.				
Women's Boots and Calashes	the Dozen Pairs	0	6	0
If lined or trimmed with Fur or other Trimmings,	the Dozen Pairs	0	7	6
Shoes with Cork or double Soles, quilted Shoes, and Clogs	the Dozen Pairs	0	5	0
If trimmed or lined with Fur or any other Trimming,	the Dozen Pairs	0	6	0
Of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather	the Dozen Pairs	0	4	6
If trimmed or lined with Fur or any other Trimming	the Dozen Pairs	0	5	0
Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.				
Men's Boots and Shoes :—				
If the Quarter do not exceed Two and Three Quarter Inches, or the Vamp Four Inches in Height from the Sole Inside	the Dozen Pairs	0	7	0
If either the Quarter or Vamp exceed the above Dimensions, but do not exceed Six Inches in Height from the Sole Inside	the Dozen Pairs	0	10	6

	£	s.	d.
Leather Manufactures—*continued.*			
Boots, Shoes, and Calashes—*continued.*			
Men's Boots and Shoes—*continued.*			
If either the Quarter or Vamp do exceed Six Inches in Height from the Sole Inside the Dozen Pairs	0	14	0
Boy's Boots, not exceeding Seven Inches in Length the Dozen Pairs	0	9	4
Shoes, not exceeding Seven Inches in Length the Dozen Pairs	0	4	8
Boot Fronts, not exceeding Nine Inches in Height the Dozen Pairs	0	1	9
exceeding Nine Inches in Height the Dozen Pairs	0	2	9
Boot Backs - - - the Dozen Pairs	0	1	6
Cut into Shapes - - - - the Cwt.	0	10	0
Gloves of Leather, the following Duties, with 5 per Cent. thereon, viz.:—			
Habit Mitts - - - the Dozen Pairs	0	2	4
Gloves - - - the Dozen Pairs	0	3	6
Men's Gloves - - - the Dozen Pairs	0	3	6
Women's Gloves or Mitts - the Dozen Pairs	0	4	6
Any Articles made of Leather or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, for every 100*l.* Value	10	0	0
Leaves of Gold. See Gold.			
Leaves of Roses - - - - -	Free.		
Leeches - - - - - - -	Free.		
Lentils. See Seeds.			
Lignum vitæ - - - - -	Free.		
Linen or Linen and Cotton Manufactures, viz.:—			
Cambric Handkerchiefs, hemmed or hem-stitched, not trimmed - - - - the Dozen	0	2	6
Articles, Manufactures of Linen, or of Linen mixed with Cotton or Wool, wholly or in part made up, not particularly enumerated or otherwise charged with Duty - - - for every 100*l.* Value	5	0	0
Cambrics and Lawns commonly called French Lawns, plain - - - - - -	Free.		
Bordered Handkerchiefs - - - -	Free.		
Lawns of any Sort, not French - - -	Free.		
Damasks - - - - - -	Free.		
Damask Diaper - - - - -	Free.		
Sails of all Sorts - - - - -	Free.		
Plain Linens and Diaper, whether chequered or striped with dyed Yarn or not - - - -	Free.		
Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, not being Articles wholly or in part made up - - - -	Free.		
Liquorice Paste - - - - the Cwt.	1	0	0
of and from British Possessions - the Cwt.	0	10	0
Powder - - - - - the Cwt.	1	0	0
of and from British Possessions - the Cwt.	0	15	0
Root, until 5th April 1857 inclusive - the Cwt.	0	5	0
from and after 5th April 1857 - - - -	Free.		
Juice - - - - - the Cwt.	1	0	0
Litharge - - - - - - -	Free.		

		£	s.	d.
Live Creatures illustrative of Natural History		Free.		
Logwood		Free.		
Lucifers of Wood, the Cubic Foot of the external Package, measured internally		0	0	4
Vesta, of Wax, in Boxes not exceeding 1,000 Matches	the Doz. Boxes	0	0	6
in Boxes exceeding 1,000 Matches	the 1,000 Matches	0	0	0½
Maccaroni. See Vermicelli.				
Mace	the lb.	0	1	0
Madder		Free.		
Root		Free.		
Magna Græcia Ware		Free.		
Mahogany		Free.		
Mandioca Flour	the Cwt.	0	0	4½
Manganese, Ore of		Free.		
Manna		Free.		
Manna Croup	the Cwt.	0	0	4½
Manures not enumerated		Free.		
Manuscripts		Free.		
Maps or Charts, or Parts thereof, plain or coloured		Free.		
Maple Wood		Free.		
Marmalade, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Mats and Matting		Free.		
Mattresses		Free.		
Mead or Metheglin		Free.		
Meat, salted or fresh, not otherwise described		Free.		
preserved in any other Way than salted		Free.		
Medals of Gold or Silver		Free.		
of any other Sort		Free.		
Medlars	the Bushel	0	0	2
Mercury, prepared		Free.		
Metal, Bell		Free.		
Leaf, not Gold		Free.		
Mill-boards	the lb.	0	0	2½
Minerals and Fossils, unenumerated		Free.		
Models of Cork or Wood		Free.		
Morphia and its Salts	the lb.	0	10	0
Moss, viz.:—				
Lichen Islandicus		Free.		
Rock, for Dyers Use		Free.		
other than Rock or Iceland Moss		Free.		
Mother-o'Pearl Shells		Free.		
Musical Instruments, viz.:—				
Musical Boxes, small, not exceeding Four Inches in Length	the Air	0	0	3
large	the Air	0	0	8
Overtures, or extra Accompaniments	the Air	0	2	6
Pianofortes, horizontal grand	each	3	0	0
upright or square	each	2	0	0
Harmoniums or Seraphines	each	0	12	0

		£	s.	d.
Musical Instruments—*continued.*				
Accordions, commonly called Chinese	the 100 Notes	0	1	0
other Sorts, including Flutinas and Concertinas	the 100 Notes	0	5	0
Brass Instruments, all Sorts	the lb.	0	0	9
Musical Instruments, not otherwise enumerated or described	for every 100*l.* Value	10	0	0
Musk		Free.		
Mustard Flour	the Cwt.	0	1	6
mixed or manufactured, except Flour	the Cwt.	0	5	0
Myrobalans. See Berries.				
Myrrh		Free.		
Naphtha		Free.		
New Zealand Wood		Free.		
Nicaragua Wood		Free.		
Nickel, Ore of		Free.		
metallic, and Oxide of, refined		Free.		
Arseniate of, in Lumps or Powder, being in an unrefined State		Free.		
Nitre, viz., Cubic Nitre		Free.		
Nutmegs, except those commonly called Wild	the lb.	0	1	0
Wild, in the Shell	the lb.	0	0	3
not in the Shell	the lb.	0	0	5
Ground, or other Spices or Admixtures thereof	the lb.	0	1	0
Nuts, viz.:—				
Chesnuts		Free.		
Cocoa Nuts		Free.		
Pistachio Nuts		Free.		
Small Nuts	the Bushel	0	1	0
Walnuts	the Bushel	0	1	0
Nuts and Kernels of Walnuts, of Peach Stones, and all Nuts and Kernels unenumerated, commonly used for expressing Oil therefrom		Free.		
Nuts and Kernels unenumerated		Free.		
Nux Vomica	the Cwt.	0	2	0
Oakum		Free.		
Ochre		Free.		
Oil of Almonds	the lb.	0	0	1
Animal		Free.		
Bays	the lb.	0	0	1
Castor		Free.		
Chemical, Essential, or Perfumed, viz.:				
Bergamot	the lb.	0	1	0
Carraway	the lb.	0	1	0
Cassia	the lb.	0	1	0
Cloves	the lb.	0	1	0
Lavender	the lb.	0	1	0
Lemon	the lb.	0	1	0
Mint and Spearmint	the lb.	0	1	0
Oil or Otto of Roses	the lb.	0	1	0
Peppermint	the lb.	0	1	0
Spike	the lb.	0	1	0
Thyme	the lb.	0	1	0
unenumerated	the lb.	0	1	0
Cocoa Nut		Free.		
Hempseed		Free.		
Lard		Free.		
Linseed		Free.		
Olive		Free.		

		£	s.	d.
Oil—*continued.*				
Palm		Free.		
Paran		Free.		
Rapeseed		Free.		
Rock		Free.		
Rosin		Free.		
Seed, unenumerated		Free.		
Train Oil or Blubber		Free.		
Spermaceti, or Head Matter		Free.		
Walnut		Free.		
or Spirit of Turpentine		Free.		
not particularly enumerated or described nor otherwise charged with Duty		Free.		
Oilseed Cake		Free.		
Oilcloth	the Square Yard	*0*	*0*	*1½*
Olibanum		Free.		
Olives		Free.		
Olive Wood		Free.		
Onions	the Bushel	*0*	*0*	*1*
Opera Glasses, single	each	*0*	*1*	*0*
double, and all Marine and Race Glasses, not being Telescopes	each	*0*	*2*	*6*
Opium	the lb.	*0*	*1*	*0*
Orange Flower Water		Free.		
Oranges and Lemons	the Bushel	*0*	*0*	*8*
Peel of, viz. :—				
Orange Peel		Free.		
Lemon Peel		Free.		
Orchal		Free.		
Ore, unenumerated		Free.		
Orpiment		Free.		
Orris Root		Free.		
Orsedew		Free.		
Painters Colours, unenumerated, viz. :—				
unmanufactured		Free.		
manufactured		Free.		
Palmetto Thatch		Free.		
Manufactures of		Free.		
Paper, viz. :—				
brown Paper, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith	the lb.	*0*	*0*	*2½*
printed, painted, or stained Paper Hangings, or Flock Paper	the lb.	*0*	*0*	*3*
gilt, stained, coloured, embossed, and all fancy Kinds, not being Paper Hangings	the lb.	*0*	*0*	*2½*
waste Paper, or Paper of any other Sort, not particularly enumerated or described, not otherwise charged with Duty	the lb.	*0*	*0*	*2½*
Parchment		Free.		
Partridge Wood		Free.		
Pasteboard	the lb.	*0*	*0*	*2½*
Pearls		Free.		
Pears, raw	the Bushel	*0*	*0*	*3*
dried	the Bushel	*0*	*1*	*0*
Pencils, of Slate		Free.		
not of Slate		Free.		
Pens		Free.		

	£	s.	d.
Pepper of all Sorts - - - - the lb.	0	0	6
and 5 per Cent. thereon.			
Percussion Caps - - - - the 1,000	0	0	1
Perfumery, not otherwise enumerated - - the lb.	0	0	2
Perry - - - - - - - Free.			
Pewter, Manufactures of, not otherwise enumerated, the Cwt.	0	2	0
Phosphorus - - - - - Free.			
Pickles, preserved in Vinegar - - - the Gallon	0	0	1
and Vegetables, preserved in Salt - - Free.			
Pictures - - - - - - - Free.			
Pimento - - - - - the Cwt.	0	5	0
Pink Root - - - - - Free.			
Pipes of Clay. See Tobacco Pipes.			
Pitch - - - - - - Free.			
Burgundy - - - - - - Free.			
Plantains - - - - - - Free.			
Plants, Shrubs, and Trees, alive - - - - Free.			
Plaster of Paris - - - - - Free.			
Plate, of Gold - - - - the oz. Troy	1	1	0
of Silver, gilt or ungilt - - the oz. Troy	0	1	8
battered - - - - - Free.			
Platina, and Ore of - - - - Free.			
Platting, viz. :—			
of Chip, not being of greater Value than Sixpence per Piece of 60 Yards - - - the lb.	0	0	6
or other Manufactures of Straw, Chip, or other Materials to be used in or proper for making or ornamenting Hats or Bonnets, not otherwise enumerated or charged with Duty - - the lb.	0	2	0
Cordonet, single, and Twist of Straw or of other Materials - - - - the lb.	0	0	6
Willow Squares - - - - the Cwt.	0	10	0
Plums, commonly called French Plums, and Prunellos the Cwt.	0	15	0
dried or preserved (except in Sugar), not otherwise described - - - - the Cwt.	0	15	0
preserved in Sugar, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia - - - the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April - - the lb.	0	0	2
thereafter - - - the lb.	0	0	1½
Pollard - - - - - - Free.			
Pomatum - - - - - the lb.	0	0	2
Pomegranates - - - - - - Free.			
Peel of - - - - - - Free.			
Pork, salted (not Hams) - - - - - Free.			
fresh - - - - - - Free.			
Potash, Prussiate of - - - - - Free.			
Sulphate of - - - - - Free.			
Potatoes - - - - - - Free.			
Potatoe Flour - - - - the Cwt.	0	0	4½
Pots, viz. :—			
Melting Pots for Goldsmiths - - - Free.			
of Stone - - - - - Free.			
Poultry and Game, alive or dead, including Rabbits - - Free.			

		£	s.	d.
Powder, viz. :—				
Hair Powder	the lb.	0	0	2
perfumed	the lb.	0	0	2
not otherwise enumerated or described, that will serve the same Purpose as Starch	the Cwt.	0	0	4½
Prints and Drawings, viz. :—				
plain or coloured	the lb.	0	0	3
admitted under Treaties of International Copyright	the lb.	0	0	1½
or, and at the Option of the Importer,				
single	each	0	0	0½
bound	the Dozen	0	0	1½
Prunes	the Cwt.	0	7	0
Puddings. See Sausages.				
Purple Wood		Free.		
Quassia	the Cwt.	0	1	0
Quicksilver		Free.		
Quills, viz., Goose		Free.		
Swan		Free.		
Quinces	the Bushel	0	0	3
Quinine, Sulphate of	the oz.	0	0	6
Radix Contrayervæ		Free.		
Enulæ Campanæ		Free.		
Eringii		Free.		
Ipecacuanhæ		Free.		
Rhataniæ		Free.		
Senekæ		Free.		
Serpentariæ, or Snake Root		Free.		
Rags, viz. :—				
Rags, old Ropes, or Junk, old Fishing Nets, fit only for making Paper or Pasteboard		Free.		
Woollen Rags		Free.		
Pulp of Rags		Free.		
Raisins	the Cwt.	0	10	0
Rape of Grapes		Free.		
Red Wood or Guinea Wood		Free.		
Rhubarb		Free.		
Rice, viz. :				
not rough or in the Husk	the Cwt.	0	0	4½
rough and in the Husk	the Qr.	0	0	9
Dust for feeding Cattle		Free.		
Upon Exportation from the United Kingdom of any Foreign Rice or Paddy cleaned therein, which shall have paid the Duties payable on the Importation thereof, and having been deposited in some Bonded Warehouse within One Calendar Month from the Date of such Payment, shall have there remained secured until the Time of Exportation, the Exporter making Declaration that such Rice was cleaned from rough Rice or Paddy upon which the Duties had been paid, there shall be allowed and paid for every Hundredweight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the Rough Rice or Paddy from which the same shall have been cleaned.				
Rose Water		Free.		
Rose Wood		Free.		
Rosin		Free.		
Oil of. See Oil.				
Saccharum Saturni		Free.		

		£	s.	d.
Safflower		Free.		
Saffron		Free.		
Sago	the Cwt.	0	0	4½
Sal, viz. :—				
Ammoniac		Free.		
Limonum		Free.		
Prunellæ		Free.		
Salep, or Salop		Free.		
Salicine	the oz.	0	0	3
Salt		Free.		
Saltpetre		Free.		
Sanguis Draconis		Free.		
Santa Maria Wood		Free.		
Sapan Wood		Free.		
Sarsaparilla		Free.		
Sassafras		Free.		
Satin Wood		Free.		
Sauces, not otherwise enumerated	the lb.	0	0	1
Saunders, viz. :—				
Red		Free.		
White or Yellow		Free.		
Sausages or Puddings		Free.		
Scaleboards	the Cwt.	0	1	0
Scammony		Free.		
Seeds, viz :—				
Acorns		Free.		
Aniseed		Free.		
Beans, Kidney or French		Free.		
Burnet		Free.		
Canary		Free.		
Caraway	the Cwt.	0	5	0
of and from British Possessions	the Cwt.	0	2	6
Carrot		Free.		
Clover		Free.		
Colchicum		Free.		
Cole		Free.		
Coriander		Free.		
Croton		Free.		
Cummin		Free.		
Dari		Free.		
Fenugreek		Free.		
Flax		Free.		
Forest		Free.		
Garden, unenumerated		Free.		
Grass Seeds of all Sorts		Free.		
Hemp		Free.		
Leek		Free.		
Lentils		Free.		
Lettuce		Free.		
Linseed		Free.		
Lucerne		Free.		
Lupine		Free.		
Maw		Free.		
Millett		Free.		
Mustard		Free.		
Onion		Free		
Parsley		Free.		
Poppy		Free.		

		£	s.	d.
Seeds—*continued.*				
Quince		Free.		
Rape		Free.		
Sesamum		Free.		
Shrub or Tree		Free.		
Tares		Free.		
Trefoil		Free.		
Worm		Free.		
All Seeds unenumerated, commonly used for expressing Oil therefrom		Free.		
All other Seeds, not particularly enumerated or described, nor otherwise charged with Duty		Free.		
Semolina	the Cwt.	0	0	4½
Senna		Free.		
Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, viz. :—				
Foreign	for every 100*l.* Value	5	0	0
British Ships, or Vessels entitled to be registered as such, not having been built in the United Kingdom		Free.		
Shumach		Free.		
Silk, viz. :—				
Knubs or Husks of Silk and Waste Silk		Free.		
Raw Silk		Free.		
Thrown Silk, not dyed, Singles		Free.		
Tram		Free.		
Organzine or Crape		Free.		
Dyed, Single or Tram		Free.		
Organzine or Crape		Free.		
Millinery of Silk, or of which the greater Part of the Material is of Silk, viz. :—				
Turbans or Caps	each	0	3	6
Hats or Bonnets	each	0	7	0
Dresses	each	1	10	0
Corahs, Choppas, Bandannas, Tussore Cloths, Romals, and Taffaties, viz. :—				
in Pieces not exceeding 6¼ Yards in Length,	the Piece	0	0	6
exceeding 6¼ and not exceeding 7¼ Yards in Length	the Piece	0	0	8
exceeding 7¼ and not exceeding 12 Yards in Length	the Piece	0	0	10
China Crape Shawls, Scarfs, Handkerchiefs, and Pieces, viz. :—				
plain and Damask	the lb.	0	3	0
embroidered	the lb.	0	5	0
Damask	the running Yard	0	0	8
Pongees, viz. :—				
in Pieces not exceeding 15 Yards in Length,	the Piece	0	2	0
exceeding 15 Yards and not exceeding 21 Yards in Length	the Piece	0	3	0
exceeding 21 Yards and not exceeding 31 Yards in Length	the Piece	0	5	0
Handkerchiefs, plain and figured, in Pieces not exceeding 9 Yards in Length	the Piece	0	1	6
exceeding 9 Yards and not exceeding 18 Yards in Length	the Piece	0	3	0
Manufactures of Silk, or of Silk and any other Material, not being Articles wholly or in part made up, not				

Silk—*continued.*	£	s.	d.
particularly enumerated or otherwise charged with Duty - - - for every 100*l.* Value	*15*	*0*	*0*
of and from a British Possession, for every 100*l.* Value	*5*	*0*	*0*
Articles, Manufactures of Silk, or of Silk and any other Material, not particularly enumerated or otherwise charged with Duty - - for every 100*l.* Value	*15*	*0*	*0*
of and from a British Possession, for every 100*l.* Value	*5*	*0*	*0*
Manufactures of Silk, or of Silk mixed with Metal or any other Material, the Produce of Europe, viz. :—			
Silk or Satin, plain, striped, figured, or brocaded, viz. :—			
Broad Stuffs - - - the lb.	*0*	*5*	*0*
Articles thereof, not otherwise enumerated the lb.	*0*	*6*	*0*
or, and at the Option of the Officers of the Customs - for every 100*l.* Value	*15*	*0*	*0*
Gauze or Crape, plain, striped, figured, or brocaded, viz. :—			
Broad Stuffs - - - - the lb.	*0*	*9*	*0*
Articles thereof, not otherwise enumerated, the lb.	*0*	*10*	*0*
or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	*15*	*0*	*0*
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric, viz. :—			
Broad Stuffs - - - - the lb.	*0*	*9*	*0*
Articles thereof, not otherwise enumerated, the lb.	*0*	*10*	*0*
or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	*15*	*0*	*0*
Velvet, plain or figured, viz. :—			
Broad Stuffs - - - - the lb.	*0*	*9*	*0*
Articles thereof, not otherwise enumerated, the lb.	*0*	*10*	*0*
or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	*15*	*0*	*0*
Broad Stuffs, the Foundation of which is wholly composed of Cotton or other Materials than Silk - - - - the lb.	*0*	*3*	*0*
Ribbons, plain Silk, of One Colour only - - the lb.	*0*	*6*	*0*
Plain Satin, of One Colour only - - the lb.	*0*	*8*	*0*
Silk or Satin, striped, figured, or brocaded, or plain Ribbons of more than One Colour - the lb.	*0*	*10*	*0*
Gauze or Crape, plain, striped, figured, or brocaded the lb.	*0*	*14*	*0*
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric - - the lb.	*0*	*12*	*0*
Velvet or Plush, wholly of Silk, or of Silk mixed with Cotton, not exceeding Nine Inches in Width, viz. :—			
Plain, or embossed by Depression, without Satin or Fancy Edge - - the lb.	*0*	*5*	*0*
Figured, brocaded, striped, or spotted, or with Fancy or Satin Edge, and Silk Ribbons, in any way mixed or ornamented with Velvet or Plush - - the lb.	*0*	*10*	*0*
Fancy Silk, Net, or Tricot - - - - - the lb.	*0*	*8*	*0*

	£	s.	d.
Silk—*continued.*			
Plain Silk Lace or Net called Tulle - - the lb.	0	8	0
Manufactures of Silk, or of Silk mixed with any other Materials, called Plush, not being Ribbons the lb.	0	3	0
Articles thereof, not otherwise enumerated the lb.	0	3	6
Black Plush, commonly used for making Hats the lb.	0	1	0
Parasols and Umbrellas - - - each	0	1	0
Damask of Silk and Wool, or of Silk and other Materials, for Furniture - - - the lb.	0	0	10
Manufactures of Silk, or of Silk mixed with any other Materials, not particularly enumerated or charged with Duty - - for every 100*l.* Value	15	0	0
Silkworm Gut - - - - - -	Free.		
Silver Ore, or Ore of which the greater Part in Value is Silver - - - - - -	Free.		
Skins, Furs, Pelts, and Tails, viz.:—			
Badger, undressed - - - -	Free.		
Bear „ - - - - -	Free.		
Beaver „ - - - - -	Free.		
Cat „ - - - - -	Free.		
Chinchilla „ - - - - -	Free.		
Coney „ - - - - -	Free.		
Deer „ - - - - -	Free.		
Indian, half dressed - - -	Free.		
tanned, tawed, or in any way dressed -	Free.		
Dog, in the Hair, not tanned, tawed, or in any way dressed - - - - - -	Free.		
Dog Fish, undressed - - - -	Free.		
Elk „ - - - - -	Free.		
Ermine „ - - - - -	Free.		
dressed - - - - - -	Free.		
Fisher, undressed - - - - -	Free.		
Fitch „ - - - - -	Free.		
Fox „ - - - - - -	Free.		
Tails „ - - - - -	Free.		
Goat, raw or undressed - - - -	Free.		
tanned, tawed, or in any way dressed -	Free.		
Goose, undressed - - - - -	Free.		
Hare „ - - - - -	Free.		
Husse „ - - - - -	Free.		
Kangaroo „ - - - - - -	Free.		
Kid, in the Hair, undressed - - - -	Free.		
dressed - - - - -	Free.		
and dyed or coloured - - -	Free.		
Kolinski, undressed - - - -	Free.		
Lamb, undressed in the Wool - - -	Free.		
tanned or tawed - - - -	Free.		
and dyed or coloured - -	Free.		
dressed in Oil - - - -	Free.		
Leopard, undressed - - - -	Free.		
Lion „ - - - - -	Free.		
Lynx „ - - - - - -	Free.		
Marten „ - - - - -	Free.		
Marten Tails „ - - - - - -	Free.		
Minx „ - - - - - -	Free.		
dressed - - - - - -	Free.		
Mole, undressed - - - - -	Free.		
Musquash „ - - - - - -	Free.		

		£	s.	d.
Skins—*continued.*				
Nutria, undressed		Free.		
Otter „		Free.		
Ounce „		Free.		
Panther „		Free.		
Pelts „		Free.		
tanned, tawed, or in any way dressed		Free.		
Racoon, undressed		Free.		
Sable „		Free.		
Tails or Tips, undressed		Free.		
Seal, in the Hair, not tanned, tawed, or in any way dressed		Free.		
Sheep, undressed in the Wool		Free.		
tanned or tawed		Free.		
dressed in Oil		Free.		
Squirrel or Calabar, undressed		Free.		
tawed		Free.		
Tails, undressed		Free.		
Swan, undressed		Free.		
Tiger		Free.		
Weasel		Free.		
Wolf		Free.		
tawed		Free.		
Wolverings, undressed		Free.		
Skins and Furs, or Pieces of Skins and Furs, unenumerated, viz.:—				
raw or undressed		Free.		
tanned, tawed, curried, or in any way dressed		Free.		
Articles manufactured of Skins and Furs		Free.		
Smalts		Free.		
Soap, viz.:—				
hard	the Cwt.	0	0	8
soft	the Cwt.	0	0	8
Naples	the Cwt.	0	0	8
scented or fancy Soap	the lb.	0	0	2
Soda, Sulphate of		Free.		
Soy	the Gallon	0	0	6
Spa Ware	the Cubic Foot	0	0	6
Specimens of Minerals or Fossils		Free.		
illustrative of Natural History		Free.		
Speckled Wood		Free.		
Spectacles		Free.		
Spelter or Zinc, crude in Cakes		Free.		
rolled, but not otherwise manufactured		Free.		
Oxide and White of		Free.		
Rods for Bolts		Free.		
Manufactures of, not otherwise enumerated	the Cwt.	0	2	0
Spermaceti		Free.		
Spirits or Strong Waters, viz.:				
Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon	the Gallon	0	15	0
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India				

	£	s.	d.
Spirits, &c.—*continued.*			
Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, if imported into England or Scotland, the Gallon	0	8	2
„ into Ireland - - the Gallon	0	6	4
Rum Shrub, Liqueurs, and Cordials of and from a British Possession in America, or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid, if imported—			
into England or Scotland - the Gallon	0	8	2
into Ireland - - - the Gallon	0	6	4
Other Spirits, being sweetened or mixed, so that the Degree of Strength cannot be ascertained as aforesaid, and perfumed Spirits to be used as Perfumery only the Gallon	1	0	0
Spirits or Strong Waters imported into the United Kingdom mixed with any Ingredient, and although thereby coming under some other Denomination, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.			
Sponge - - - - - - -	Free.		
Squills, dried - - - - -	Free.		
not dried - - - - -	Free.		
Starch - - - - - the Cwt.	0	0	4½
Gum of, torrified or calcined - - the Cwt.	0	0	4½
Stavesacre - - - - - -	Free.		
Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed - - - the Dozen Pairs	0	2	0
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be sooner repealed, in which Case the Duty shall cease - - - - - the Cwt.	0	3	6
after the 5th April 1858 - - - -	Free.		
Steel, unwrought - - - - -	Free.		
manufactured or wrought. (See Iron.)			
Scrap - - - - -	Free.		
Stones, viz. :—			
Stone, in Lumps, not in any Manner hewn - -	Free.		
Slate, in rough Blocks or Slabs - - -	Free.		
hewn - - - - -	Free.		
Marble, in rough Blocks or Slabs - - -	Free.		
sawn into Slabs or otherwise manufactured	Free.		
Limestone - - - - -	Free.		
Asphalt Rock - - - -	Free.		
Flint - - - - - -	Free.		
Felspar and Stones for Potter's Use - -	Free.		
Pebble - - - - -	Free.		
for Lithography - - - -	Free.		
in Blocks, shaped or rough scalped - -	Free.		
Mill Stones, rough - - -	Free.		
shaped or hewn - - -	Free.		
Burr Stones, rough - - - -	Free.		
shaped or hewn - - -	Free.		
Quern Stones, rough - - - -	Free.		
shaped or hewn - -	Free.		
Dog Stones, rough - - - -	Free.		
shaped or hewn - - -	Free.		
Straw or Grass for platting - - - - -	Free.		

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated, the lb.	0 0 2½	0 0 2	0 0 1½
Sugar, viz.:			
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - the Cwt.	1 0 0	0 16 8	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined - the Cwt.	0 17 6	0 14 7	0 11 8
Yellow Muscavado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the Cwt.	0 15 0	0 12 9	0 10 6
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the Cwt.	0 13 9	0 11 8	0 9 6
Molasses - - the Cwt.	0 5 4	0 4 6	0 3 9

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man, for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, not in any way inferior to the Export Standard, No. 3., approved of by the Lords of the Treasury - - - for every Cwt.	0 18 9	0 1 8	0 12 6

Sugar—*continued.*

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0 18 9	0 15 8	0 12 6
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove - for every Cwt.	0 17 10	0 14 10	0 11 10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt.	0 16 6	0 13 9	0 11 0
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, for every Cwt.	0 13 9	0 11 8	0 9 6

Sulphur Impressions		Free.
Sweet Wood		Free.
Talc		Free.
Tallow	the Cwt.	0 1 6
of and from British Possessions	the Cwt.	0 0 1
Vegetable		Free.
Tamarinds		Free.
Tapioca	the Cwt.	0 0 4½
Tar		Free.
Barbadoes		Free.
Tares. See Seeds.		
Tarras		Free.
Tartaric Acid		Free.
Tea,—until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0 1 9

		£	s.	d.
Tea—*continued.*				
for the following Twelve Months after such 5th Day of April	the lb.	0	1	3
thereafter	the lb.	0	1	0
without any Allowance for Draft.				
Teasles		Free.		
Teeth, viz., Elephants		Free.		
Sea Cow, Sea Horse, or Sea Morse		Free.		
Telescopes		Free.		
Terra, viz., Japonica		Free.		
Sienna		Free.		
Verde		Free.		
Umbra		Free.		
Thread, not otherwise enumerated or described		Free.		
Tiles		Free.		
Tin, Ore, and Regulus of		Free.		
in Blocks, Ingots, Bars, or Slabs		Free.		
Foil	the Cwt.	0	10	0
Manufactures of, not otherwise enumerated	the Cwt.	0	10	0
Tincal, unrefined. See Borax.				
Tobacco, the following Duties, with 5 per Cent. thereon, viz. :—				
unmanufactured, stemmed, or stripped	the lb.	0	3	0
unstemmed	the lb.	0	3	0
manufactured, or Segars	the lb.	0	9	0
Snuff	the lb	0	6	0
Stalks and Flour of	prohibited.			
Manufactured in Great Britain or Ireland, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores	the lb.	0	2	7½
	With 5 per Cent. thereon.			
Tobacco Pipes of Clay		Free.		
Tongues		Free.		
Tornsal		Free.		
Tortoise or Turtle Shell, unmanufactured		Free.		
Toys, viz. :—				
Marbles	the Cwt.	0	1	0
All other Toys	the Cubic Foot	0	0	4
Truffles		Free.		
Tulip Wood		Free.		
Turmeric		Free.		
Turnery, not otherwise described	the Cubic Foot	0	0	4
Turpentine		Free.		
Of Venice, Scio, or Cyprus		Free.		
Oil, or Spirit of. See Oil.				
Twine		Free.		
Ultra Marine		Free.		
Valonia		Free.		
Vanelloes		Free.		
Varnish, containing any Quantity of Alcohol or Spirit, the Gallon		0	12	0
not otherwise described		Free.		
Vases, viz., ancient, not of Stone or Marble		Free.		
Vegetables, all, not otherwise enumerated or described		Free.		
preserved in Salt		Free.		
Vellum		Free.		
Veneers	the Cwt.	0	1	0

	£	s.	d.
Verdigris	Free.		
Verjuice	Free.		
Vermicelli and Maccaroni the Cwt.	0	1	0
Vermillion	Free.		
Vinegar the Gallon	0	0	4½
Wafers	Free.		
Walnut Wood	Free.		
Washing Balls the lb.	0	0	2
Watches of Gold, Silver, or any other Metal, exceeding the Value of 10*l.* each	1	0	0
Other Watches, viz.:—			
Gold, open Faces each	0	5	0
Hunters each	0	7	6
Repeaters each	0	15	0
Silver, or any other Metal not Gold:—			
Open Faces each	0	2	6
Hunters each	0	3	6
Repeaters each	0	8	0
Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon) each	0	0	8
When not in Flasks (as perfumed Spirit), the Gallon	1	0	0
Mineral	Free.		
Wax, viz.:—Bleached	Free.		
Unbleached	Free.		
Myrtle	Free.		
Sealing	Free.		
Vegetable	Free.		
Weld	Free.		
Whale Fins	Free.		
Whipcord	Free.		
Wine, of and from Foreign Countries, the following Duties and 5 per Cent. thereon, viz.:—			
Red the Gallon	0	5	6
White the Gallon	0	5	6
Lees of such Wine the Gallon	0	5	6
The Growth and Produce of any British Possession, and imported direct from thence, the following Duties and 5 per Cent. thereon:—			
Red the Gallon	0	2	9
White the Gallon	0	2	9
Lees of such Wine the Gallon	0	2	9
The full Duties on Wine may be drawn back upon Exportation or Shipment as Stores, but no Drawback allowed on Lees of Wine.			
Wire, viz.:—Gilt or plated	Free.		
Silver	Free.		
Copper or Brass. See Copper and Brass respectively.			
Woad	Free.		
Wood and Timber, the following Duties, with 5 per Cent. thereon on all Wood and Timber the Produce of British Possessions, viz.:—			
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet	0	7	6

Wood and Timber—*continued.*	£	s.	d.
Of and from British Possessions, the Load of 50 Cubic Feet	0	1	0
Deals, Battens, Boards, or other Timber or Wood sawn or split, and not otherwise charged with Duty, the Load of 50 Cubic Feet	0	10	0
Of and from British Possessions, the Load of 50 Cubic Feet	0	2	0

Or, in lieu of ascertaining the Cubical Contents in Pile, the Importer may have the Option, at the Time of passing the First Entry, in respect of Planks, Deals, Deal Ends, Battens, and Batten Ends, not the Produce of the British Possessions, of entering the same by Tale, upon a Computation of their Cubic Content calculated according to the under-mentioned Scale, specifying in such Entry the Number and Dimensions of the several Pieces included therein; and the Duties imposed thereon by this Act shall be ascertained, computed, and charged upon the Planks, Deals, Deal Ends, Battens, and Batten Ends included in such Entry on the Cubical Contents thereof computed in conformity with the said Scale.

	Planks.	Deals.	Battens.		
	3 × 11 Inch and not above 3¼ × 11½ Inch.	3 × 9 Inch and not above 3¼ × 9½ Inch.	3 × 7 Inch and not above 3¼ × 7¼ Inch.	2⅜ × 7 Inch and not above 2⅝ × 7¼ Inch.	2⅜ × 6½ Inch and not above 2⅝ × 6⅝ Inch.
	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.
Not above 4 Feet in Length, the 120	115	95	73	61	57
Above 4 Feet and not above 5 Feet in Length, the 120	144	118	91	77	71
Above 5 Feet and not above 6 Feet in Length, the 120	173	142	110	92	86
Above 6 Feet and not above 7 Feet in Length, the 120	202	165	128	107	100
Above 7 Feet and not above 8 Feet in Length, the 120	231	189	146	123	114
Above 8 Feet and not above 9 Feet in Length, the 120	260	213	165	138	128
Above 9 Feet and not above 10 Feet in Length, the 120	288	236	183	153	143
Above 10 Feet and not above 11 Feet in Length, the 120	317	260	201	169	157
Above 11 Feet and not above 12 Feet in Length, the 120	346	284	220	184	171
Above 12 Feet and not above 13 Feet in Length, the 120	375	307	238	200	185
Above 13 Feet and not above 14 Feet in Length, the 120	404	331	256	215	200
Above 14 Feet and not above 15 Feet in Length, the 120	433	354	274	230	214
Above 15 Feet and not above 16 Feet in Length, the 120	462	378	293	246	228
Above 16 Feet and not above 17 Feet in Length, the 120	490	402	311	261	242
Above 17 Feet and not above 18 Feet in Length, the 120	519	425	329	276	257
Above 18 Feet and not above 19 Feet in Length, the 120	548	449	348	292	271
Above 19 Feet and not above 20 Feet in Length, the 120	577	473	366	307	285
Above 20 Feet and not above 21 Feet in Length, the 120	606	496	384	322	300

Wood and Timber—*continued.*	£	s.	d.
Staves, exceeding 72 Inches in Length, 7 Inches in Breadth, or 3¼ Inches in Thickness, the Load of 50 Cubic Feet	0	9	0
of and from British Possessions, the Load of 50 Cubic Feet	0	2	0
Staves, not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ in Thickness	Free.		
Birch and Fir, hewn, not exceeding 3 Feet in Length nor exceeding 8 Inches Square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries	Free.		
Firewood - - the Fathom of 216 Cubic Feet	0	6	0
Of and from British Possessions, the Fathom of 216 Cubic Feet	Free.		
Handspikes, not exceeding 7 Feet in Length the 120	0	6	0
Of and from British Possessions - the 120	0	0	6
Exceeding 7 Feet in Length - - the 120	0	12	0
Of and from British Possessions - the 120	0	1	0
Hoops	Free.		
Knees, under 5 Inches Square - - the 120	0	3	0
Of and from British Possessions - the 120	0	0	3
5 and under 8 Inches Square - - the 120	0	12	0
Of and from British Possessions - the 120	0	1	0
Lathwood - - the Fathom of 216 Cubic Feet	0	12	0
Of and from British Possessions the Fathom of 216 Cubic Feet	0	1	0
Oars - - - - the 120	2	5	0
Of and from British Possessions - the 120	0	3	9
Spars or Poles, under 22 Feet in Length and under 4 Inches in Diameter - - - the 120	0	6	0
Of and from British Possessions - the 120	0	0	6
22 Feet in Length and upwards, and under 4 Inches in Diameter - - - the 120	0	12	0
Of and from British Possessions - the 120	0	1	0
Of all Lengths, 4 and under 6 Inches in Diameter, the 120	1	4	0
Of and from British Possessions - the 120	0	2	0
Spokes for Wheels, not exceeding 2 Feet in Length, the 1,000	1	4	0
Of and from British Possessions - the 1,000	0	1	0
Exceeding 2 Feet in Length - - the 1,000	2	8	0
Of and from British Possessions - the 1,000	0	2	0
Teak	Free.		
Waste Wood, viz., Billet Wood, or Brush Wood used for the Purpose of Stowage	Free.		
For Shipbuilding, viz.:			
Stringy Bark, Red and Blue Gum, Green Hart, Mora and Locust Woods, and Woods formerly admitted at the same Duty as Teak	Free.		
Treenails of Stringy Bark, Red and Blue Gum, and Locust Woods, and all Treenails of and from British Possessions	Free.		
Shovel Hilts	Free.		
Planed or otherwise dressed or prepared for Use, and not particularly enumerated or otherwise charged with Duty - - - per Cubic Foot	0	0	2
And further - - for every 100*l.* Value	10	0	0
Of and from British Possessions, for every 100*l.* Value	5	0	0

		£	s.	d.
Wool, viz., Alpaca and the Llama Tribe		Free.		
Beaver		Free.		
cut and combed		Free.		
Coney Wool		Free.		
Cotton Wool and Waste of Cotton Wool		Free.		
Goat's Wool or Hair		Free.		
Hare's Wool		Free.		
Sheep or Lamb's Wool		Free.		
Woollens, viz.: — Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, not particularly enumerated, and not otherwise charged with Duty		Free.		
Articles or Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, viz.:—				
Carpets and Rugs	the Square Yard	0	0	6
Shawls, Scarfs, and Handkerchiefs, plain	the lb.	0	0	4
printed	the lb.	0	0	8
Gloves	the Dozen Pairs	0	0	3
wholly or in part made up, not otherwise charged with Duty	for every 100*l.* Value	5	0	0
Yarn, Cable Yarn		Free.		
Camel or Mohair		Free.		
Raw Linen		Free.		
Silk and Worsted, spun together and not dyed		Free.		
Woollen or Worsted, commonly called Berlin Wool or Zephyr Yarn, and Woollen and Worsted Yarn of Two or more Threads:—				
Scoured, bleached, or coloured	the lb.	0	0	6
Not scoured, bleached, or coloured	the lb.	0	0	3
Raw, for weaving, not dyed, or only partially dyed		Free.		
Yeast, dried		Free.		
Zaffre		Free.		
Zebra Wood		Free.		
Goods, being either in part or wholly manufactured, and not being enumerated or described nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland	for every 100*l.* Value	10	0	0
Goods, not being either in part or wholly manufactured, not enumerated or described nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland		Free.		

TABLE (B.)

DUTIES APPLICABLE TO THE ISLE OF MAN.

Coffee, the Import Duties in Great Britain or Ireland not having been there paid thereon	the lb.	0	0	2
Corn, viz., Wheat, Barley, Bear or Bigg, Oats, Rye, Peas, Beans, Buckwheat, Maize, or Indian Corn	the Quarter	0	1	0
Wheat Meal and Flour, Barley Meal, Oat Meal, Rye, Meal, and Flour Pea Meal, Bean Meal, Buckwheat Meal, and Maize or Indian Corn Meal	the Cwt.	0	0	4½

		£	s.	d.
Hemp			Free.	
Hops, from Great Britain or Ireland			Free.	
Iron			Free.	
Spirits, viz. :—				
Rum and other Spirits of the British Possessions (not being sweetened or mixed Spirits, or Liqueurs, Cordials, or perfumed Spirits)	the Gallon	0	3	8
Brandy, Geneva, and all Foreign Spirits, not being Liqueurs, Cordials, or perfumed Spirits	the Gallon	0	6	0
British or Irish Spirits exported from a Duty-free Warehouse under Bond in the United Kingdom	the Gallon	0	3	0
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.				
Rum Shrub, of the British Possessions	the Gallon	0	3	8
Liqueurs, Cordials, mixed, sweetened, and perfumed Spirits	the Gallon	0	10	0
of the British Possessions	the Gallon	0	5	0
Eau de Cologne, per Flask (30 not containing more than 1 Gallon)		0	0	4
	or the Gallon	0	10	0
Sugar, viz. :—				
Muscovado	the Cwt.	0	1	0
Sugar Candy, White or Brown, Refined Sugar, or Sugar rendered by any Process equal to Refined, Foreign or British	the Cwt.	0	3	0
Tea	the lb.	0	0	6
Tobacco, viz. :—				
Unmanufactured	the lb.	0	1	6
Manufactured	the lb.	0	4	9
Cigars	the lb.	0	4	9
Wine	the Ton of 252 Gallons	12	0	0
Wood, all Sorts			Free.	
Goods, Wares, and Merchandise brought from Great Britain or Ireland, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty			Free.	
Goods, Wares, and Merchandise, the Growth, Produce, or Manufacture of and brought from Great Britain or Ireland, and not herein-before charged with Duty			Free.	
Goods, Wares, and Merchandise, not the Growth, Produce, or Manufacture of Great Britain or Ireland, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon			Free.	
Goods, Wares, and Merchandise imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every 100*l.* of the Value thereof		15	0	0

Customs Tariff Acts Amendment and Consolidation.

A

BILL

For the Amendment and Consolidation of the Customs Tariff Acts.

(*Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 19 *July* 1855.

Under 5 oz.

[Bill 259.]

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Amendment and Consolidation of the Customs Tariff Acts.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instead of all other Duties and Drawbacks of Customs, there shall be paid and allowed the Duties and Drawbacks in Tables annexed.

Duties in Table to be levied on Goods imported into Isle of Man.

Free Goods.

I. From and after the passing of this Act, in lieu and instead of all other Duties and Drawbacks of Customs, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods imported into any Part of Great Britain or Ireland, the several Duties of Customs and there shall be allowed upon Goods exported the several Drawbacks as the same are respectively inserted, described, and set forth in Table (A.) to this Act annexed; and in lieu of all Duties of Customs now payable by Law upon the Importation of Goods into the Isle of Man there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in Table (B.) to this Act annexed; and all the Goods described as free in the said Table (A.) shall be exempt from Duty on the Importation thereof into Great Britain or Ireland, and those described as free in the said Table (B.) shall be exempt from Duty on the Importation thereof into the Isle of Man.

Power to the Treasury to remit and reimpose the Duties levied on un-enumerated Articles imported into Isle of Man.

II. The Commissioners of the Treasury may from Time to Time, by any Order or Orders under their Hands, declare that all or any Articles legally importable into the Isle of Man, and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after any Day or Days named in such Order or Orders, be imported from the Places and in the Manner therein mentioned into the Isle of Man Duty-free during such Time or Times as shall be therein named, or until such Order or Orders respectively, or any of them, shall be rescinded, and such Articles shall be imported Duty-free accordingly so long as any such Order or Orders, or any of them, shall continue unrescinded; and the said Commissioners may, at any Time, by any Order under their Hands, revoke the whole or any Part of any previous Order or Orders, or any of them, for such Time and in such Manner as they may see fit; and all Orders of the Commissioners of the Treasury made in pursuance of this Enactment shall be duly published in the London and Dublin Gazettes twice at least within Fourteen Days from the Date of such Orders respectively, and a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Orders to be published in the Gazette, and laid before Parliament.

Drawbacks on Sugar.

III. The Drawbacks upon Sugar allowed under Table (A.) to this Act shall also be allowed and paid on the like Kinds of Sugar, upon the same being deposited in any approved Warehouse, upon such Terms and Conditions and subject to such Regulations as the Commissioners of Customs may direct, for Delivery therefrom as Ships Stores only, or for the Purpose of sweetening British Spirits in Bond.

Commissioners of Customs to provide Standard Samples of White Clayed Sugar and Brown Clayed Sugar.

IV. For facilitating the due Assessment of Duties on White Clayed Sugar or Sugar rendered by any Process equal to White Clayed, and on Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed Sugar, with reference to Colour, Grain, and Saccharine Matter, considered collectively as they affect the general Quality of such Sugars, the Commissioners of Customs shall provide and renew from Time to Time Samples of White Clayed Sugar and of Sugar rendered equal in Quality to White Clayed Sugar, and of Yellow Muscovado or Brown Clayed Sugar, which shall be deemed to be Standard Samples for the Purpose of comparing therewith Sugars entered for Home Consumption; and no Sugar shall, as regards the Payment of Duty, be deemed to be White Clayed Sugar or Sugar rendered

rendered by any Process equal to White Clayed Sugar, unless equal to the Standard Samples of White Clayed Sugar or of Sugar rendered equal in Quality to White Clayed Sugar, or be deemed to be Yellow Muscovado or Brown Clayed Sugar or Sugar rendered by any Process equal to Yellow Muscovado or Brown Clayed Sugar, unless equal to the Standard Sample of Yellow Muscovado or Brown Clayed Sugar: It shall also be lawful for the Commissioners of Customs, if the Commissioners of the Treasury shall so direct, to furnish separate Samples for the Assesment of the Duties on Yellow Muscovado and on Brown Clayed Sugars, and also for the Assessment of the Duties upon Refined Sugar.

Metage Dues on Fruit.

V. The Metage Dues now payable upon Fruit imported into the Port of London shall not be increased in consequence of the Duties upon such Fruit being levied by the Bushel.

Entries of Arms, &c. to contain the Numbers and Description of the Articles.

VI. On the Entry of Arms and Ammunition of War, whether for Home Use, Exportation, or in Transit, the Number and Quantity of Articles of each Description, as denominated in Table (A.) to this Act, shall be stated in the Import, Export, or Transit Entry, as the Case may be.

Manufactures of Gibraltar, &c. from Foreign Materials deemed Foreign.

VII. All Manufactures of Gibraltar, Malta, and Heligoland, made of Materials of Foreign Produce liable to Duty upon Importation into the United Kingdom, upon which no such Duty has been paid, or upon which Drawback of such Duty has been allowed in the United Kingdom, shall, for the Purposes of Duty, be deemed and taken to be the Produce of and imported from a Foreign Country.

Acts repealed.

VIII. The following Acts, viz., "The Customs Tariff Act, 1853," the Acts of the Seventeenth and Eighteenth Years of Her present Majesty, Chapters Twenty-eight and Twenty-nine, and the First and Fifth Sections of Chapter One hundred and twenty-two, and the Acts of the Eighteenth Year of Her said Majesty, Chapters Nine and Twenty-one, are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as relates to any Arrears of Duty, or to any Drawback which shall have become due or payable, and except so far as may be necessary for the Purpose of supporting or continuing any Proceeding heretofore taken, or to be taken after the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed or any Forfeiture which shall have been incurred before the Commencement of this Act; and the Duties imposed by the several Acts in force at the Time of the passing of the Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and twenty-two, are hereby declared not to

have been affected or repealed by that Act, except as to the Articles enumerated therein; and the Duties collected since the passing of that Act according to the Tables contained in the said several Acts and in that Act are hereby declared to have been legally charged and collected; and all Orders made by Her Majesty in Council, all Bonds taken or Licences granted, and all Things done under the Authority or in pursuance of any of the Acts or Parts of Acts hereby repealed, shall nevertheless be valid and effectual.

Orders, &c. under Acts repealed to be valid.

When Contracts have been entered into, Amount of increased or decreased Duty to be added or deducted.

IX. In the event of any Increase or Decrease by Law in the Duties of Customs chargeable upon any Goods or Commodities after the making of any Contract or Agreement for the Sale or Delivery of such Goods Duty-paid, it shall be lawful for the Seller, in case such Increase shall accrue before the Clearance and Delivery from the Warehouse of such Goods at such increased Duty, and after Payment thereof, to add so much Money to the Contract Price as will be equivalent to such Increase of Duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the Purchaser under any such Contract or Agreement, in case such Decrease shall take effect before the Clearance and Delivery from the Warehouse at such decreased Duty, to deduct so much Money from the Contract Price as will be equivalent to such Decrease of Duty, and he shall not be liable to pay or be sued for or in respect of such Deduction.

Short Title.

X. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Tariff Act, 1855."

TABLE

TABLE (A.)

Duties applicable to Great Britain and Ireland.

		£	s.	d.
Agates or Cornelians, set	for every 100*l.* Value	10	0	0
not set, cut, or manufactured			Free.	
not cut or manufactured			Free.	
Albumen			Free.	
Ale. See Beer.				
Alganobilla Seed			Free.	
Alkali, not being Barilla			Free.	
Alkanet Root			Free.	
Almonds, not Jordan, nor Bitter	the Cwt.	0	10	0
Jordan	the Cwt.	0	10	0
Bitter			Free.	
Paste of	the lb.	0	0	2
Aloes			Free.	
Alum, Roch			Free.	
not Roch			Free.	
Amber, rough			Free.	
Manufactures of, not enumerated (except Beads)			Free.	
Ambergris			Free.	
Amboyna Wood			Free.	
Ammonia, liquid			Free.	
Sulphate of			Free.	
Ammunition, viz.:—				
Shot, large and small, of Lead	the Cwt.	0	2	0
" of Iron	the Cwt.	0	2	6
Rockets and other Combustibles, for Purposes of War, and not otherwise enumerated or described, for every 100*l.* Value thereof		10	0	0
Anchovies. See Fish.				
Angelica			Free.	
Animals (living), viz.:—				
Asses			Free.	
Goats			Free.	
Kids			Free.	
Oxen and Bulls			Free.	
Cows			Free.	
Calves			Free.	
Horses, Mares, Geldings, Colts, Foals			Free.	
Mules			Free.	
Sheep			Free.	
Lambs			Free.	
Swine and Hogs			Free.	
Pigs (sucking)			Free.	
Annatto, Roll and Flag			Free.	
Antimony, viz.:—				
Ore of			Free.	
Crude			Free.	
Regulus			Free.	
Apples, raw	the Bushel	0	0	3
of and from British Possessions	the Bushel	0	0	2
dried	the Bushel	0	1	0
Aquafortis			Free.	

		£	s.	d.
Argol			Free.	
Aristolochia			Free.	
Arms, viz. :—				
Swords, Cutlasses, Matchetts, Bayonets, Gun Barrels, Gun Locks, Cannon, and Mortars of Iron, not mounted nor accompanied with Carriages	the Cwt.	0	2	6
Cannon and Mortars of Brass, not mounted nor accompanied with Carriages	the Cwt.	0	10	0
Cannon and Mortars, mounted or accompanied with Carriages, and other Fire Arms, viz.: Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sort not enumerated, and Pistols	for every 100*l.* Value thereof	10	0	0
Arrowroot	the Cwt.	0	0	4½
Arsenic			Free.	
Art, Works of, of whatever Metal			Free.	
Ashes, viz. :				
Pearl and Pot			Free.	
Soap			Free.	
Weed			Free.	
Wood			Free.	
not enumerated			Free.	
Asphaltum or Bitumen Judaicum			Free.	
Bacon			Free.	
Balsams, viz. :—				
Canada			Free.	
Capivi			Free.	
Peru			Free.	
Riga			Free.	
Tolu			Free.	
Balm of Gilead, and unenumerated Balsam			Free.	
Bandstring Twist			Free.	
Barilla			Free.	
Bark for Tanners or Dyers Use			Free.	
Cascarilla			Free.	
Peruvian			Free.	
of other Sorts			Free.	
Extract of. See Extract.				
Barley, pearled	the Cwt.	0	0	1½
Barwood			Free.	
Barytes, Sulphate of, ground			Free.	
Basket Rods, peeled			Free.	
unpeeled			Free.	
Baskets	the Cubic Foot	0	0	4
Bast Ropes, Twines and Strands			Free.	
Beads, viz. :—				
Arango	the lb.	0	0	2
and Bugles of Glass			Free.	
Coral	the lb.	0	1	6
Crystal	the lb.	0	0	2
Jet	the lb.	0	0	2
not otherwise enumerated or described	the lb.	0	0	2
Beans, Kidney and French. See Seeds.				
Beef, salted			Free.	
fresh, or slightly salted			Free.	
Beef Wood			Free.	

		£	s.	d.
Beer or Ale	the Barrel	1	0	0
Mum	the Barrel	1	0	0
Spruce	the Barrel	1	10	0
of other Sorts	the Barrel	1	0	0
Berries, viz.:—				
Bay		Free.		
Juniper		Free.		
Yellow		Free.		
Myrobalan		Free.		
unenumerated, commonly made use of in Chemical Processes		Free.		
unenumerated, not commonly made use of in Chemical Processes		Free.		
Birds, viz., Singing Birds		Free.		
Biscuit and Bread	the Cwt.	0	0	4½
Bitumen Judaicum. See Asphaltum.				
Blacking		Free.		
Black Wood		Free.		
Bladders		Free.		
Bones (except Whale Fins), whether burnt or not, or as Animal Charcoal		Free.		
Books, viz.:—				
being of Editions printed prior to the Year 1801, bound or unbound		Free.		
being of Editions printed in or since the Year 1801, bound or unbound		1	10	0
admitted under Treaties of International Copyright, or if of and from any British Possession	the Cwt.	0	15	0
Boracic Acid		Free.		
Borax, refined		Free.		
or Tincal, unrefined		Free.		
Bottles of Earth and Stone		Free.		
Boxes, viz.:—				
Brass	the Cwt.	1	10	0
not otherwise charged with Duty, for every 100*l.* Value		10	0	0
Box Wood		Free.		
Bran		Free.		
Brass, Manufactures of, not otherwise enumerated	the Cwt.	0	10	0
Powder of		Free.		
Old, fit only to be re-manufactured		Free.		
Wire		Free.		
Brazil Wood		Free.		
Brazilletto Wood		Free.		
Bricks or Clinkers, Dutch		Free.		
other Sorts		Free.		
Brimstone, unrefined		Free.		
refined, in Rolls		Free.		
in Flour		Free.		
Bristles, rough and in the Tufts, and not in any way sorted		Free.		
in any way sorted or arranged in Colours, and not entirely rough and in the Tufts		Free.		
Brocade of Gold and Silver	the lb.	0	5	0
Bronze, all Works of Art		Free.		
Manufactures of, or of Metal bronzed or lacquered,	the Cwt.	0	10	0
Powder		Free.		
Brushes, Paint		Free.		

		£	s.	d.
Bullion and Foreign Coin, of Gold or Silver		Free.		
Bullrushes		Free.		
Butter	the Cwt.	0	5	0
of and from a British Possession	the Cwt.	0	2	6
Buttons, and Studs, of Metal		Free.		
other Sorts		Free.		
Cables (not being Iron Cables), tarred or untarred, old and new		Free.		
Cameos, not set		Free.		
Camomile Flowers		Free.		
Camphor, unrefined		Free.		
refined		Free.		
Camwood		Free.		
Candles, viz., Spermaceti	the Cwt.	0	2	4
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be repealed at an earlier Time, in which Case, or after the 5th April 1858, this Duty shall be reduced to the same Rate as Tallow Candles,	the Cwt.	0	3	6
Tallow	the Cwt.	0	2	4
Wax	the Cwt.	0	2	4
Candlewick		Free.		
Canella Alba		Free.		
Canes, viz., Bamboo		Free.		
Rattans, not ground		Free.		
Reed Canes		Free.		
Walking Canes or Sticks, mounted, painted, or otherwise ornamented	the 100	0	6	0
Umbrella and Parasol Sticks	the 100	0	3	0
or Sticks, unenumerated		Free.		
Cantharides		Free.		
Caoutchouc		Free.		
Manufactures of	the lb.	0	0	4
Capers, including the Pickle	the lb.	0	0	1½
Cardamoms		Free.		
Cards, viz., Playing Cards	the Dozen Packs	0	15	0
Carmine		Free.		
Carriages of all Sorts		Free.		
Casks, empty		Free.		
Cassava Powder	the Cwt.	0	0	4½
Cassia, viz., Buds		Free.		
Fistula		Free.		
Lignea	the lb.	0	0	1
Castor		Free.		
Casts of Busts, Statues, or Figures		Free.		
Catlings		Free.		
Caviare		Free.		
Cedar Wood		Free.		
Chalk, viz., unmanufactured		Free.		
prepared or manufactured, and not otherwise enumerated		Free.		
Cheese	the Cwt.	0	2	6
of and from British Possessions	the Cwt.	0	1	6
The Duty on Cheese to be charged on landing Weight.				

		£	s.	d.
Cherries, raw	the Bushel	0	0	2
dried, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Cherry Wood		Free.		
Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee, viz.:				
raw or kiln-dried		Free.		
roasted or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	5
thereafter	the lb.	0	0	4
China Root		Free.		
China or Porcelain Ware, plain, painted, gilt, and ornamented	the Cwt.	0	10	0
Chip or Willow for platting		Free.		
Chloroform	the lb.	0	3	6
Cider		Free.		
Cinnabaris nativa		Free.		
Cinnamon	the lb.	0	0	2
Citrate of Lime		Free.		
Citric Acid		Free.		
Citron, preserved with Salt		Free.		
Civet		Free		
Clocks, viz., not exceeding the Value of 5*s.* each	the Dozen	0	4	0
exceeding the Value of 5*s.* and not exceeding the Value of 12*s.* 6*d.* each	the Dozen	0	8	0
exceeding the Value of 12*s.* 6*d.* and not exceeding the Value of 3*l.* each	each	0	2	0
exceeding the Value of 3*l.* and not exceeding the Value of 10*l.* each	each	0	4	0
exceeding the Value of 10*l.* each	each	0	10	0
Cloves	the lb.	0	0	2
Coals, Culm, or Cinders		Free.		
Cobalt		Free.		
Ore of		Free.		
Oxide of		Free.		
Cochineal		Free.		
Granilla		Free.		
Dust		Free		
Cochinella Wood		Free.		
Cocoa	the lb.	0	0	1
Husks and Shells	the Cwt.	0	2	0
Paste or Chocolate	the lb.	0	0	2
Coculus Indicus	the Cwt.	0	5	0
Coffee, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	4
thereafter	the lb.	0	0	3

	£	s.	d.
Coffee—*continued.*			
kiln-dried, roasted, or ground, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia - the lb.	0	0	·5
thereafter - - - - the lb.	0	0	4
A Drawback shall be allowed on all roasted Coffee exported as Ship's Stores or removed to the Isle of Man for Consumption there, equal in Amount to the Import Duty on raw Coffee			
Coir, Rope, Twine, and Strands - - - - -	Free.		
Colocynth - - - - - - -	Free.		
Columbo Root - - - - - - -	Free.		
Comfits, dry, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia - the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April - - - - - - the lb.	0	0	2
thereafter - - - - - the lb.	0	0	1½
Confectionery, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April - - - - - the lb.	0	0	2
thereafter - - - - the lb.	0	0	1½
Copper, Ore of - - - - - -	Free.		
Regulus of - - - - - - -	Free.		
old, fit only to be re-manufactured - - -	Free.		
unwrought, viz., in Bricks or Pigs, Rose Copper, and all cast Copper - - - - - -	Free.		
part wrought, viz., Bars, Rods, or Ingots hammered or raised - - - - - - -	Free.		
in Plates and Copper Coin - - -	Free.		
Wire - - - - - - -	Free.		
Manufactures of, not otherwise enumerated or described, and Copper Plates engraved - - the Cwt.	0	10	0
Copperas, Blue - - - - - - -	Free.		
Green - - - - - - -	Free.		
White - - - - - - -	Free.		
Coral, viz., Beads. (See Beads.)			
in Fragments - - - - -	Free.		
whole, polished - - - - -	Free.		
unpolished - - - - - -	Free.		
Negligees - - - - the lb.	0	1	0
Cordage - - - - - - -	Free.		
Cork - - - - - - - -	Free.		
Corks, ready made - - - - the lb.	0	0	6
squared for rounding - - - the Cwt.	0	8	0
Fishermen's - - - - - -	Free.		
Corn, Grain, Meal, and Flour, viz.:—			
Wheat - - - - the Quarter	0	1	0
Barley - - - - - the Quarter	0	1	0
Oats - - - - - the Quarter	0	1	0
Rye - - - - - the Quarter	0	1	0
Pease - - - - - the Quarter	0	1	0
Beans - - - - - the Quarter	0	1	0
Maize or Indian Corn - - - - the Quarter	0	1	0

		£	s.	d.
Corn, &c.—*continued.*				
Buck Wheat	the Quarter	0	1	0
Bear or Bigg	the Quarter	0	1	0
Wheat Meal and Flour	the Cwt.	0	0	4½
Barley Meal	the Cwt.	0	0	4½
Oat Meal and Groats	the Cwt.	0	0	4½
Rye Meal and Flour	the Cwt.	0	0	4½
Pea Meal	the Cwt.	0	0	4½
Bean Meal	the Cwt.	0	0	4½
Maize or Indian Corn Meal	the Cwt.	0	0	4½
Buck Wheat Meal	the Cwt.	0	0	4½
Cowries		Free.		
Cotton Manufactures, viz.:—				
East India Piece Goods, viz.:—				
Calicoes and Muslins, White		Free.		
dyed or coloured		Free.		
Nankeens, not dyed or coloured		Free.		
dyed or coloured		Free.		
Handkerchiefs, dyed or coloured		Free.		
Manufactures, not being Articles wholly or in part made up, not otherwise charged with Duty		Free.		
Wool. See Wool.				
Yarn		Free.		
Fringe	the lb.	0	0	2
Gloves, of Cotton or Thread	the Dozen Pairs	0	0	3
Stockings, of Cotton or Thread	the Dozen Pairs	0	0	6
Socks, or Half Hose of Cotton or Thread	the Dozen Pairs	0	0	3
Articles or Manufactures of Cotton, wholly or in part made up, not otherwise charged with Duty,	for every 100*l.* Value	5	0	0
Cranberries		Free.		
Crayons		Free.		
Cream of Tartar		Free.		
Crystal, viz.:—				
rough		Free.		
cut or manufactured, except Beads		Free.		
Cubebs		Free.		
Cubic Nitre. See Nitre.				
Cucumbers, viz., preserved in Salt		Free.		
Currants	the Cwt.	0	15	0
	and 5 per Cent. thereon.			
Cutch		Free.		
Daguerreotype Plates	the lb.	0	0	3
Dates	the Cwt.	0	10	0
Diamonds		Free.		
Dice	the Pair	1	1	0
Divi Divi		Free.		
Down		Free.		
Drugs, not enumerated		Free.		
Earthenware, not otherwise enumerated or described,	the Cwt.	0	10	0
Ebony		Free.		
Eggs, the Cubic Foot of the Package, internal Measurement,		0	0	8
of and from British Possessions, the Cubic Foot of the Package, internal Measurement		0	0	4
Elder Flower Water		Free.		

	£	s.	d.
Embroidery and Needlework, viz.:—			
On Silk, or Silk mixed with other Materials, not being Silk Net - - - for every 100*l.* Value	15	0	0
of and from British Possessions, for every 100*l.* Value	5	0	0
Silk Net, figured with the Needle, being Imitation Lace, and Articles thereof - - - the lb.	0	10	0
Cotton Net, figured with the Needle, being Imitation Lace, and Articles thereof - - the lb.	0	8	0
Curtains, commonly called Swiss, embroidered on Muslin or Net - - - - - the lb.	0	1	0
All other Embroidery not enumerated, for every 100*l.* Value	10	0	0
of and from British Possessions, for every 100*l.* Value	5	0	0
Enamel - - - - - - -	Free.		
Essence of Spruce - - - for every 100*l.* Value	10	0	0
Extract of Cardamoms - - for every 100*l.* Value	20	0	0
Coculus Indicus - - for every 100*l.* Value	20	0	0
Guinea Grains of Paradise - for every 100*l.* Value	20	0	0
Licorice - - - for every 100*l.* Value	20	0	0
Nux Vomica - - for every 100*l.* Value	20	0	0
Opium - - - for every 100*l.* Value	20	0	0
Guinea Pepper - - for every 100*l.* Value	20	0	0
Peruvian or Jesuit's Bark - for every 100*l.* Value	20	0	0
Quassia - - - for every 100*l.* Value	20	0	0
Radix Rhataniæ - - for every 100*l.* Value	20	0	0
Vitriol - - - for every 100*l.* Value	20	0	0
Chesnut Bark or Wood - - - -	Free.		
Quercitron Bark - - - - -	Free.		
Logwood - - - - -	Free.		
Safflower - - - - - - - -	Free.		
Bark, or of other Vegetable Substances to be used for tanning or other manufacturing Purposes; - -	Free.		
or Preparation of any Article, not particularly enumerated, nor otherwise charged with Duty, for every 100*l.* Value	20	0	0
or, and in lieu of the above Duty, at the Option of the Importer - - - the lb.	0	5	0
Feathers for Beds, in Beds or otherwise - - -	Free.		
Ostrich, dressed - - - - the lb.	0	3	0
undressed - - - - -	Free.		
Paddy Bird, dressed - - - the lb.	0	3	0
undressed - - - - -	Free.		
not otherwise enumerated or described, viz.:—			
dressed - - - - the lb.	0	3	0
undressed - - - -	Free.		
Figs - - - - - - - the Cwt.	0	15	0
and 5 per Cent. thereon.			
Fig Cake - - - - - the Cwt.	0	15	0
Fish, viz.:—			
Anchovies - - - - - -	Free.		
Cod - - - - - -	Free.		
Caplin - - - - - -	Free.		
Eels, Shiploads - - - - -	Free.		
in small Quantities - - - -	Free.		
Herrings - - - - - -	Free.		
Lobsters - - - - - -	Free.		
Mackarel - - - - - -	Free.		

		£	s.	d.
Fish—*continued.*				
Oysters			Free.	
Salmon			Free.	
Soles			Free.	
Sounds and Tongues			Free.	
Turbots			Free	
Turtle			Free.	
fresh, not otherwise enumerated			Free.	
cured, not otherwise enumerated			Free.	
Flax, dressed			Free.	
rough or undressed			Free.	
Tow and Codilla of			Free.	
Flock for Paper Stainers			Free	
Flocks			Free.	
Flower Roots			Free.	
Flowers, Artificial, whether of Silk or of other Materials, per Cubic Foot as packed; no Allowance for vacant Spaces	the Cubic Foot	0	12	0
Frames for Pictures, Prints, Drawings, or Mirrors			Free.	
Fruit, viz., raw, not otherwise enumerated	the Bushel	0	0	2
Furniture Woods, not particularly enumerated, except Ash, Beech, Birch, Elm, Oak, Wainscot			Free.	
Fustic			Free.	
Gallic Powder			Free.	
Galls			Free.	
Gamboge			Free.	
Garancine			Free.	
Garnets, cut, not set			Free.	
uncut			Free.	
Gauze of Thread			Free.	
Gelatine			Free.	
Gentian			Free.	
Ginger	the Cwt.	0	5	0
preserved, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1
Ginseng			Free.	
Glass, viz.:—				
Any kind of Window Glass, White, or stained of One Colour only, (except Plate or rolled Glass,) and Shades and Cylinders, until the 5th April 1857 inclusive	the Cwt.	0	1	6
from and after 5th April 1857			Free.	
Flint Cut Glass, Flint Coloured Glass, and Fancy Ornamental Glass, of whatever Kind	the Cwt.	0	10	0
Plate Glass, cast or rolled, of whatever Thickness, whether silvered, polished, or rough, and silvered Glass not otherwise enumerated			Free.	
Painted			Free.	
White Flint Glass Bottles, not cut, engraved, or otherwise ornamented			Free.	
Beads and Bugles. See Beads.				
Wine Glasses, Tumblers, and all other White Flint Glass Goods, not cut, engraved, or otherwise ornamented			Free.	
Bottles of Glass covered with Wicker (not being Cut Glass) or of Green or Common Glass			Free.	

		£	s.	d.
Glass—*continued*				
Articles of Green or Common Glass		Free.		
Manufactures, not otherwise enumerated or described, and old broken Glass fit only to be re-manufactured		Free.		
Glue		Free.		
Clippings or Waste of any kind fit only for Glue		Free.		
Gold, Leaves of		Free.		
Ore of, and Ore of which the greater Part in Value is Gold		Free.		
Gongs	the Cwt.	1	0	0
Grains, Guinea, and of Paradise	the Cwt.	0	15	0
Grapes	the Bushel	0	0	2
Grease		Free.		
Greaves, for Dogs		Free.		
Tallow		Free.		
Guano		Free.		
Gum, viz.:—				
Animi		Free.		
Copal		Free.		
Arabic		Free.		
Senegal		Free.		
Lac Dye		Free.		
Seed Lac		Free.		
Shellac		Free.		
Sticklac		Free.		
Ammoniacum		Free.		
Asafœtida		Free.		
Euphorbium		Free.		
Guiacum		Free.		
Kino		Free.		
Mastic		Free.		
Tragacanth		Free.		
unenumerated		Free.		
Gunpowder		Free.		
Gun Stocks in the rough, of Wood		Free.		
Gutta Percha		Free.		
Manufactures of, not moulded, such as Bands, Sheets, Soles, Tubing	the Cwt.	0	5	0
Articles moulded	the lb.	0	0	2
Gypsum		Free.		
Hair, viz.:—				
Camels Hair or Wool		Free.		
Cow, Ox, Bull, or Elk Hair		Free.		
Goats Hair or Wool. See Wool.				
Horse Hair		Free.		
Human Hair		Free.		
unenumerated		Free.		
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, not particularly enumerated or otherwise charged with Duty		Free.		
Manufactures of Hair or Goat's Wool, or of Hair or Goat's Wool and any other Material, wholly or in part made up, not particularly enumerated or otherwise charged with Duty	for every 100*l.* Value	5	0	0
Hams, of all Kinds		Free.		
Harp-strings or Lute-strings, silvered		Free.		
Hats or Bonnets, viz.:—				
of Chip	the lb.	0	2	6
of Bast, Cane, or Horsehair	the lb.	0	2	6
of Straw	the lb.	0	2	6
of Felt, Hair, Wool, or Beaver	each	0	1	0

	£	s.	d.
Hats of Silk or Silk Shag, laid upon Felt, Linen, or other Material - - - - - - each	0	1	0
Hay - - - - - - -	Free.		
Heath for Brushes - - - - - -	Free.		
Hellebore - - - - - - -	Free.		
Hemp, viz. :—			
dressed - - - - - -	Free.		
rough or undressed - - - -	Free.		
Tow and Codilla of Hemp - - -	Free.		
Jute - - - - - -	Free.		
other Vegetable Substances of the Nature and Quality of undressed Hemp, and applicable to the same Purposes - - - - - - -	Free.		
Hides, not tanned, tawed, curried, or in any way dressed,			
dry - - - - - - -	Free.		
wet - - - - - - - -	Free.		
tawed, curried, or in any way dressed, not being varnished, japanned, or enamelled - -	Free.		
if varnished, japanned, or enamelled -	Free.		
Losh Hides - - - - - -	Free.		
Muscovy or Russia Hides, or Pieces thereof, tanned, coloured, shaved, or otherwise dressed - -	Free.		
or Pieces thereof, raw or undressed, unenumerated - - - - - -	Free.		
in any way dressed, not otherwise enumerated - - - -	Free.		
Tails, Buffalo, Bull, Cow, or Ox - - -	Free.		
tanned, not otherwise dressed - - -	Free.		
Hones - - - - - - -	Free.		
Honey - - - - - - -	Free.		
Hoofs of Cattle - - - - - -	Free.		
Hoops of Wood. See Wood.			
Hops, until the 1st August 1855 - - the Cwt.	1	0	0
from and after that Date - - the Cwt.	2	5	0
Horns, Horn Tips, and Pieces of Horn - - -	Free.		
Ice - - - - - - -	Free.		
Indigo - - - - - -	Free.		
Ink for Printers - - - - -	Free.		
Indian - - - - - -	Free.		
Inkle, unwrought - - - - -	Free.		
wrought - - - - - -	Free.		
Iron, Ore of - - - - - - -	Free.		
Pig - - - - - - -	Free.		
Bars, unwrought - - - - -	Free.		
Wire - - - - - -	Free.		
Rough Castings - - - - -	Free.		
Bloom - - - - - -	Free.		
Chromate of - - - - - -	Free.		
Slit or hammered into Rods - - -	Free.		
Cast - - - - - - -	Free.		
Hoops - - - - - - -	Free.		
Old broken and old Cast Iron - - -	Free.		
Iron and Steel, wrought or manufactured, except Arms and Ammunition, viz. :—			
Machinery, Wrought Castings, Tools, Cutlery, and other Manufactures of Iron or Steel, not enumerated, the Cwt.	0	2	6
Fancy ornamental Articles of Iron or Steel the Cwt.	0	15	0
Manufactures of, coated with Brass or Copper by any Galvanic Process - - - the Cwt.	0	3	6
Isinglass - - - - - - -	Free.		

		£	s.	d.
Jalap			Free.	
Japanned or Lacquered Ware	the Cwt.	1	0	0
Jet			Free	
Jewels, Emeralds, and all other precious Stones, set,	for every 100*l.* Value	10	0	0
	unset		Free.	
Juice of Lemons, Limes, or Oranges			Free.	
Kernels. See Nuts.				
Kingwood			Free.	
Lace, and Articles thereof, viz. :—				
Mohair or Worsted	the lb.	0	1	0
Thread or Cotton Pillow Lace (not being Brussels Point or Saxon Bone Lace), not exceeding One Inch in Width	the lb.	1	0	0
exceeding One Inch in Width	the lb.	2	0	0
Silk Pillow Lace (not being Saxon Wire Ground Lace) and Application	the lb.	1	10	0
Silk Saxon Wire Ground Lace, and all Lace known as Maltese	the lb.	0	8	0
Brussels Point and other Lace, made by the Hand, not otherwise charged with Duty	for every 100*l.* Value	10	0	0
Lacquered Ware. See Japanned Ware.				
Lamp Black			Free.	
Lapis Calaminaris			Free.	
Lard			Free.	
Latten			Free.	
Shaven			Free.	
Wire			Free.	
Lavender Flowers			Free.	
Lead, Ore of			Free.	
Black			Free.	
Pig and Sheet			Free.	
Red			Free.	
White			Free.	
Chromate of			Free.	
Manufactures of, not otherwise enumerated	the Cwt.	0	2	0
Leather Manufactures, viz. :—				
Boots, Shoes, and Calashes, viz.				
Women's Boots and Calashes	the Dozen Pairs	0	6	0
If lined or trimmed with Fur or other Trimmings,	the Dozen Pairs	0	7	6
Shoes with Cork or double Soles, quilted				
Shoes, and Clogs	the Dozen Pairs	0	5	0
If trimmed or lined with Fur or any other Trimming,	the Dozen Pairs	0	6	0
Of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather	the Dozen Pairs	0	4	6
If trimmed or lined with Fur or any other Trimming	the Dozen Pairs	0	5	0
Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length, to be charged with Two Thirds of the above Duties.				
Men's Boots and Shoes :—				
If the Quarter do not exceed Two and Three Quarter Inches, or the Vamp Four Inches in Height from the Sole Inside	the Dozen Pairs	0	7	0
If either the Quarter or Vamp exceed the above Dimensions, but do not exceed Six Inches in Height from the Sole Inside	the Dozen Pairs	0	10	6

	£	s.	d.
Leather Manufactures—*continued.*			
Boots, Shoes, and Calashes—*continued.*			
Men's Boots and Shoes—*continued.*			
If either the Quarter or Vamp do exceed Six Inches in Height from the Sole Inside the Dozen Pairs	0	14	0
Boy's Boots, not exceeding Seven Inches in Length the Dozen Pairs	0	9	4
Shoes, not exceeding Seven Inches in Length the Dozen Pairs	0	4	8
Boot Fronts, not exceeding Nine Inches in Height the Dozen Pairs	0	1	9
exceeding Nine Inches in Height the Dozen Pairs	0	2	9
Boot Backs - - - the Dozen Pairs	0	1	6
Cut into Shapes - - - - - the Cwt.	0	10	0
Gloves of Leather, the following Duties, with 5 per Cent. thereon, viz.:—			
Habit Mitts - - - the Dozen Pairs	0	2	4
Gloves - - - the Dozen Pairs	0	3	6
Men's Gloves - - - the Dozen Pairs	0	3	6
Women's Gloves or Mitts - the Dozen Pairs	0	4	6
Any Articles made of Leather or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described, for every 100*l.* Value	10	0	0
Leaves of Gold. See Gold.			
Leaves of Roses - - - - -	Free.		
Leeches - - - - - - - -	Free.		
Lentils. See Seeds.			
Lignum vitæ - - - - -	Free.		
Linen or Linen and Cotton Manufactures, viz.:—			
Cambric Handkerchiefs, hemmed or hem-stitched, not trimmed - - - - the Dozen	0	2	6
Articles, Manufactures of Linen, or of Linen mixed with Cotton or Wool, wholly or in part made up, not particularly enumerated or otherwise charged with Duty - - - for every 100*l.* Value	5	0	0
Cambrics and Lawns commonly called French Lawns, plain - - - - -	Free.		
Bordered Handkerchiefs - - - -	Free.		
Lawns of any Sort, not French - - -	Free.		
Damasks - - - - - -	Free.		
Damask Diaper - - - - -	Free.		
Sails of all Sorts - - - - -	Free.		
Plain Linens and Diaper, whether chequered or striped with dyed Yarn or not - - - -	Free.		
Manufactures of Linen, or of Linen mixed with Cotton or with Wool, not particularly enumerated or otherwise charged with Duty, not being Articles wholly or in part made up - - -	Free.		
Liquorice Paste - - - - the Cwt.	1	0	0
of and from British Possessions - the Cwt.	0	10	0
Powder - - - - the Cwt.	1	0	0
of and from British Possessions - the Cwt.	0	15	0
Root, until 5th April 1857 inclusive - the Cwt.	0	5	0
from and after 5th April 1857 - - -	Free.		
Juice - - - - the Cwt.	1	0	0
Litharge - - - - - -	Free.		

		£	s.	d.
Live Creatures illustrative of Natural History		Free.		
Logwood		Free.		
Lucifers of Wood, the Cubic Foot of the external Package, measured internally		0	0	4
Vesta, of Wax, in Boxes not exceeding 1,000 Matches	the Doz. Boxes	0	0	6
in Boxes exceeding 1,000 Matches	the 1,000 Matches	0	0	0½
Maccaroni. See Vermicelli.				
Mace	the lb.	0	1	0
Madder		Free.		
Root		Free.		
Magna Græcia Ware		Free.		
Mahogany		Free.		
Mandioca Flour	the Cwt.	0	0	4½
Manganese, Ore of		Free.		
Manna		Free.		
Manna Croup	the Cwt.	0	0	4½
Manures not enumerated		Free.		
Manuscripts		Free.		
Maps or Charts, or Parts thereof, plain or coloured		Free.		
Maple Wood		Free.		
Marmalade, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Mats and Matting		Free.		
Mattresses		Free.		
Mead or Metheglin		Free.		
Meat, salted or fresh, not otherwise described		Free.		
preserved in any other Way than salted		Free.		
Medals of Gold or Silver		Free.		
of any other Sort		Free.		
Medlars	the Bushel	0	0	2
Mercury, prepared		Free.		
Metal, Bell		Free.		
Leaf, not Gold		Free.		
Mill-boards	the lb.	0	0	2½
Minerals and Fossils, unenumerated		Free.		
Models of Cork or Wood		Free.		
Morphia and its Salts	the lb.	0	10	0
Moss, viz. :—				
Lichen Islandicus		Free.		
Rock, for Dyers Use		Free.		
other than Rock or Iceland Moss		Free.		
Mother-o'Pearl Shells		Free.		
Musical Instruments, viz. :—				
Musical Boxes, small, not exceeding Four Inches in Length	the Air	0	0	3
large	the Air	0	0	8
Overtures, or extra Accompaniments	the Air	0	2	6
Pianofortes, horizontal grand	each	3	0	0
upright or square	each	2	0	0
Harmoniums or Seraphines	each	0	12	0

		£	s.	d.
Musical Instruments—*continued.*				
Accordions, commonly called Chinese	the 100 Notes	0	1	0
other Sorts, including Flutinas and Concertinas	the 100 Notes	0	5	0
Brass Instruments, all Sorts	the lb.	0	0	9
Musical Instruments, not otherwise enumerated or described	for every 100*l.* Value	10	0	0
Musk		Free.		
Mustard Flour	the Cwt.	0	1	6
mixed or manufactured, except Flour	the Cwt.	0	5	0
Myrobalans. See Berries.				
Myrrh		Free.		
Naphtha		Free.		
New Zealand Wood		Free.		
Nicaragua Wood		Free.		
Nickel, Ore of		Free.		
metallic, and Oxide of, refined		Free.		
Arseniate of, in Lumps or Powder, being in an unrefined State		Free.		
Nitre, viz., Cubic Nitre		Free.		
Nutmegs, except those commonly called Wild	the lb.	0	1	0
Wild, in the Shell	the lb.	0	0	3
not in the Shell	the lb.	0	0	5
or other Spices or Admixtures thereof, ground	the lb.	0	1	0
Nuts, viz.:—				
Chesnuts		Free.		
Cocoa Nuts		Free.		
Pistachio Nuts		Free.		
Small Nuts	the Bushel	0	1	0
Walnuts	the Bushel	0	1	0
Nuts and Kernels of Walnuts, of Peach Stones, and all Nuts and Kernels unenumerated, commonly used for expressing Oil therefrom		Free.		
Nuts and Kernels unenumerated		Free.		
Nux Vomica	the Cwt.	0	2	0
Oakum		Free.		
Ochre		Free.		
Oil of Almonds	the lb.	0	0	1
Animal		Free.		
Bays	the lb.	0	0	1
Castor		Free.		
Chemical, Essential, or Perfumed, viz.:				
Bergamot	the lb.	0	1	0
Carraway	the lb.	0	1	0
Cassia	the lb.	0	1	0
Cloves	the lb.	0	1	0
Lavender	the lb.	0	1	0
Lemon	the lb.	0	1	0
Mint and Spearmint	the lb.	0	1	0
Oil or Otto of Roses	the lb.	0	1	0
Peppermint	the lb.	0	1	0
Spike	the lb.	0	1	0
Thyme	the lb.	0	1	0
unenumerated	the lb.	0	1	0
Cocoa Nut		Free.		
Hempseed		Free.		
Lard		Free.		
Linseed		Free.		
Olive		Free.		

		£	s.	d.
Oil—*continued.*				
Palm		Free.		
Paran		Free.		
Rapeseed		Free.		
Rock		Free.		
Rosin		Free.		
Seed, unenumerated		Free.		
Train Oil or Blubber		Free.		
Spermaceti, or Head Matter		Free.		
Walnut		Free.		
or Spirit of Turpentine		Free.		
not particularly enumerated or described nor otherwise charged with Duty		Free.		
Oilseed Cake		Free.		
Oilcloth	the Square Yard	0	0	1½
Olibanum		Free.		
Olives		Free.		
Olive Wood		Free.		
Onions	the Bushel	0	0	1
Opera Glasses, single	each	0	1	0
double, and all Marine and Race Glasses, not being Telescopes	each	0	2	6
Opium	the lb.	0	1	0
Orange Flower Water		Free.		
Oranges and Lemons	the Bushel	0	0	8
Peel of, viz. :—				
Orange Peel		Free.		
Lemon Peel		Free.		
Orchal		Free.		
Ore, unenumerated		Free.		
Orpiment		Free.		
Orris Root		Free.		
Orsedew		Free.		
Painters Colours, unenumerated, viz. :—				
unmanufactured		Free.		
manufactured		Free.		
Palmetto Thatch		Free.		
Manufactures of		Free.		
Paper, viz. :—				
brown Paper, made of old Rope or Cordage only, without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith	the lb.	0	0	2½
printed, painted, or stained Paper Hangings, or Flock Paper	the lb.	0	0	3
gilt, stained, coloured, embossed, and all fancy Kinds, not being Paper Hangings	the lb.	0	0	2½
waste Paper, or Paper of any other Sort, not particularly enumerated or described, not otherwise charged with Duty	the lb.	0	0	2½
Parchment		Free.		
Partridge Wood		Free.		
Pasteboard	the lb.	0	0	2½
Pearls		Free.		
Pears, raw	the Bushel	0	0	3
dried	the Bushel	0	1	0
Pencils, of Slate		Free.		
not of Slate		Free.		
Pens		Free.		

		£	s.	d.
Pepper of all Sorts	the lb.	0	0	6
	and 5 per Cent. thereon.			
Percussion Caps	the 1,000	0	0	1
Perfumery, not otherwise enumerated	the lb.	0	0	2
Perry		Free.		
Pewter, Manufactures of, not otherwise enumerated	the Cwt.	0	2	0
Phosphorus		Free.		
Pickles, preserved in Vinegar	the Gallon	0	0	1
and Vegetables, preserved in Salt		Free.		
Pictures		Free.		
Pimento	the Cwt.	0	5	0
Pink Root		Free.		
Pipes of Clay. See Tobacco Pipes.				
Pitch		Free.		
Burgundy		Free.		
Plantains		Free.		
Plants, Shrubs, and Trees, alive		Free.		
Plaster of Paris		Free.		
Plate, of Gold	the oz. Troy	1	1	0
of Silver, gilt or ungilt	the oz. Troy	0	1	8
battered		Free.		
Platina, and Ore of		Free.		
Platting, viz. :—				
of Chip, not being of greater Value than Sixpence per Piece of 60 Yards	the lb.	0	0	6
or other Manufactures of Straw, Chip, or other Materials to be used in or proper for making or ornamenting Hats or Bonnets, not otherwise enumerated or charged with Duty	the lb.	0	2	0
Cordonet, single, and Twist of Straw or of other Materials	the lb.	0	0	6
Willow Squares	the Cwt.	0	10	0
Plums, commonly called French Plums, and Prunellos	the Cwt.	0	15	0
dried or preserved (except in Sugar), not otherwise described	the Cwt.	0	15	0
preserved in Sugar, until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia	the lb.	0	0	2½
for the following Twelve Months after such 5th Day of April	the lb.	0	0	2
thereafter	the lb.	0	0	1½
Pollard		Free.		
Pomatum	the lb.	0	0	2
Pomegranates		Free.		
Peel of		Free.		
Pork, salted (not Hams)		Free.		
fresh		Free.		
Potash, Prussiate of		Free.		
Sulphate of		Free.		
Potatoes		Free.		
Potatoe Flour	the Cwt.	0	0	4½
Pots, viz. :—				
Melting Pots for Goldsmiths		Free.		
of Stone		Free.		
Poultry and Game, alive or dead, including Rabbits		Free.		

	£	s.	d.
Powder, viz. :—			
Hair Powder - - - - - the lb.	0	0	2
perfumed - - - - - the lb.	0	0	2
not otherwise enumerated or described, that will serve the same Purpose as Starch - - - the Cwt.	0	0	4½
Prints and Drawings, viz. :—			
plain or coloured - - - - - the lb.	0	0	3
admitted under Treaties of International Copyright - - - - - the lb.	0	0	1½
or, and at the Option of the Importer,			
single - - - - each	0	0	0½
bound - - - - the Dozen	0	0	1½
Prunes - - - - - the Cwt.	0	7	0
Puddings. See Sausages.			
Purple Wood - - - - - - Free.			
Quassia - - - - - - the Cwt.	0	1	0
Quicksilver - - - - - - Free.			
Quills, viz., Goose - - - - - Free.			
Swan - - - - - - Free.			
Quinces - - - - - the Bushel	0	0	3
Quinine, Sulphate of - - - - - the oz.	0	0	6
Radix Contrayervæ - - - - - Free.			
Enulæ Campanæ - - - - Free.			
Eringii - - - - - Free.			
Ipecacuanhæ - - - - Free.			
Rhataniæ - - - - - Free.			
Senekæ - - - - - Free.			
Serpentariæ, or Snake Root - - - Free.			
Rags, viz. :—			
Rags, old Ropes, or Junk, old Fishing Nets, fit only for making Paper or Pasteboard - - - Free.			
Woollen Rags - - - - Free.			
Pulp of Rags - - - - - Free.			
Raisins - - - - - the Cwt.	0	10	0
Rape of Grapes - - - - - Free.			
Red Wood or Guinea Wood - - - - Free.			
Rhubarb - - - - - - Free.			
Rice, viz. :			
not rough or in the Husk - - - the Cwt.	0	0	4½
rough and in the Husk - - - the Qr.	0	0	9
Dust for feeding Cattle - - - - Free.			
Upon Exportation from the United Kingdom of any Foreign Rice or Paddy cleaned therein, which shall have paid the Duties payable on the Importation thereof, and having been deposited in some Bonded Warehouse within One Calendar Month from the Date of such Payment, shall have there remained secured until the Time of Exportation, the Exporter making Declaration that such Rice was cleaned from rough Rice or Paddy upon which the Duties had been paid, there shall be allowed and paid for every Hundredweight thereof a Drawback equal in Amount to the Duty paid on every Four Bushels of the Rough Rice or Paddy from which the same shall have been cleaned.			
Rose Water - - - - - - Free.			
Rose Wood - - - - - - - Free.			
Rosin - - - - - - - Free.			
Oil of See Oil.			
Saccharum Saturni - - - - - Free.			

		£	s.	d.
Safflower			Free.	
Saffron			Free.	
Sago	the Cwt.	0	0	4½
Sal, viz. :—				
Ammoniac			Free.	
Limonum			Free.	
Prunellæ			Free.	
Salep, or Salop			Free.	
Salicine	the oz.	0	0	3
Salt			Free.	
Saltpetre			Free.	
Sanguis Draconis			Free.	
Santa Maria Wood			Free.	
Sapan Wood			Free.	
Sarsaparilla			Free.	
Sassafras			Free.	
Satin Wood			Free.	
Sauces, not otherwise enumerated	the lb.	0	0	1
Saunders, viz. :—				
Red			Free.	
White or Yellow			Free.	
Sausages or Puddings			Free.	
Scaleboards	the Cwt.	0	1	0
Scammony			Free.	
Seeds, viz :—				
Acorns			Free.	
Aniseed			Free.	
Beans, Kidney or French			Free.	
Burnet			Free.	
Canary			Free.	
Caraway	the Cwt.	0	5	0
of and from British Possessions	the Cwt.	0	2	6
Carrot			Free.	
Clover			Free.	
Colchicum			Free.	
Cole			Free.	
Coriander			Free.	
Croton			Free.	
Cummin			Free.	
Dari			Free.	
Fenugreek			Free.	
Flax			Free.	
Forest			Free.	
Garden, unenumerated			Free.	
Grass Seeds of all Sorts			Free.	
Hemp			Free.	
Leek			Free.	
Lentils			Free.	
Lettuce			Free.	
Linseed			Free.	
Lucerne			Free.	
Lupine			Free.	
Maw			Free.	
Millett			Free.	
Mustard			Free.	
Onion			Free	
Parsley			Free.	
Poppy			Free.	

		£	s.	d.
Seeds—*continued.*				
Quince		Free.		
Rape		Free.		
Sesamum		Free.		
Shrub or Tree		Free.		
Tares		Free.		
Trefoil		Free.		
Worm		Free.		
All Seeds unenumerated, commonly used for expressing Oil therefrom		Free.		
All other Seeds, not particularly enumerated or described, nor otherwise charged with Duty		Free.		
Semolina	the Cwt.	0	0	4½
Senna		Free.		
Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, viz. :—				
Foreign	for every 100*l.* Value	5	0	0
British Ships, or Vessels entitled to be registered as such, not having been built in the United Kingdom		Free.		
Shumach		Free.		
Silk, viz. :—				
Knubs or Husks of Silk and Waste Silk		Free.		
Raw Silk		Free.		
Thrown Silk, not dyed, Singles		Free.		
Tram		Free.		
Organzine or Crape		Free.		
Dyed, Single or Tram		Free.		
Organzine or Crape		Free.		
Millinery of Silk, or of which the greater Part of the Material is of Silk, viz. :—				
Turbans or Caps	each	0	3	6
Hats or Bonnets	each	0	7	0
Dresses	each	1	10	0
Corahs, Choppas, Bandannas, Tussore Cloths, Romals, and Taffaties, viz. :—				
in Pieces not exceeding 6¼ Yards in Length,	the Piece	0	0	6
exceeding 6¼ and not exceeding 7¼ Yards in Length	the Piece	0	0	8
exceeding 7¼ and not exceeding 12 Yards in Length	the Piece	0	0	10
China Crape Shawls, Scarfs, Handkerchiefs, and Pieces, viz. :—				
plain and Damask	the lb.	0	3	0
embroidered	the lb.	0	5	0
Damask	the running Yard	0	0	8
Pongees, viz. :—				
in Pieces not exceeding 15 Yards in Length,	the Piece	0	2	0
exceeding 15 Yards and not exceeding 21 Yards in Length	the Piece	0	3	0
exceeding 21 Yards and not exceeding 31 Yards in Length	the Piece	0	5	0
Handkerchiefs, plain and figured, in Pieces not exceeding 9 Yards in Length	the Piece	0	1	6
exceeding 9 Yards and not exceeding 18 Yards in Length	the Piece	0	3	0
Manufactures of Silk, or of Silk and any other Material, not being Articles wholly or in part made up, not				

Silk—*continued.*	£	*s.*	*d.*
particularly enumerated or otherwise charged with Duty - - - for every 100*l.* Value	15	0	0
of and from a British Possession, for every 100*l.* Value	5	0	0
Articles, Manufactures of Silk, or of Silk and any other Material, not particularly enumerated or otherwise charged with Duty - - for every 100*l.* Value	15	0	0
of and from a British Possession, for every 100*l.* Value	5	0	0
Manufactures of Silk, or of Silk mixed with Metal or any other Material, the Produce of Europe, viz. :—			
Silk or Satin, plain, striped, figured, or brocaded, viz. :—			
Broad Stuffs - - - the lb.	0	5	0
Articles thereof, not otherwise enumerated the lb.	0	6	0
or, and at the Option of the Officers of the Customs - for every 100*l.* Value	15	0	0
Gauze or Crape, plain, striped, figured, or brocaded, viz. :—			
Broad Stuffs - - - - the lb.	0	9	0
Articles thereof, not otherwise enumerated, the lb.	0	10	0
or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	15	0	0
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric, viz. :—			
Broad Stuffs - - - - the lb.	0	9	0
Articles thereof, not otherwise enumerated, the lb.	0	10	0
or, and at the Option of the Officers of the Customs - for every 100*l.* Value	15	0	0
Velvet, plain or figured, viz. :—			
Broad Stuffs - - - - the lb.	0	9	0
Articles thereof, not otherwise enumerated, the lb.	0	10	0
or, and at the Option of the Officers of the Customs - - for every 100*l.* Value	15	0	0
Broad Stuffs, the Foundation of which is wholly composed of Cotton or other Materials than Silk - - - the lb.	0	3	0
Ribbons, plain Silk, of One Colour only - the lb.	0	6	0
Plain Satin, of One Colour only - - the lb.	0	8	0
Silk or Satin, striped, figured, or brocaded, or plain Ribbons of more than One Colour - the lb.	0	10	0
Gauze or Crape, plain, striped, figured, or brocaded the lb.	0	14	0
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric - - the lb.	0	12	0
Velvet or Plush, wholly of Silk, or of Silk mixed with Cotton, not exceeding Nine Inches in Width, viz. :—			
Plain, or embossed by Depression, without Satin or Fancy Edge - - the lb.	0	5	0
Figured, brocaded, striped, or spotted, or with Fancy or Satin Edge, and Silk Ribbons, in any way mixed or ornamented with Velvet or Plush - - the lb.	0	10	0
Fancy Silk Net, or Tricot - - - the lb.	0	8	0

	£	s.	d.
Silk—*continued.*			
Plain Silk Lace or Net called Tulle - - the lb.	0	8	0
Manufactures of Silk, or of Silk mixed with any other Materials, called Plush, not being Ribbons the lb.	0	3	0
Articles thereof, not otherwise enumerated the lb.	0	3	6
Black Plush, commonly used for making Hats the lb.	0	1	0
Parasols and Umbrellas - - - each	0	1	0
Damask of Silk and Wool, or of Silk and other Materials, for Furniture - - - the lb.	0	0	10
Manufactures of Silk, or of Silk mixed with any other Materials, not particularly enumerated or charged with Duty - - for every 100*l.* Value	15	0	0
Silkworm Gut - - - - - -	Free.		
Silver Ore, or Ore of which the greater Part in Value is Silver - - - - - -	Free.		
Skins, Furs, Pelts, and Tails, viz.:—			
Badger, undressed - - - -	Free.		
Bear „ - - - - -	Free.		
Beaver „ - - - - -	Free.		
Cat „ - - - - -	Free.		
Chinchilla „ - - - - -	Free.		
Coney „ - - - - -	Free.		
Deer „ - - - - -	Free.		
Indian, half dressed - - -	Free.		
tanned, tawed, or in any way dressed -	Free.		
Dog, in the Hair, not tanned, tawed, or in any way dressed - - - - - -	Free.		
Dog Fish, undressed - - - -	Free.		
Elk „ - - - - -	Free.		
Ermine „ - - - - -	Free.		
dressed - - - - - -	Free.		
Fisher, undressed - - - - -	Free.		
Fitch „ - - - - -	Free.		
Fox „ - - - - - -	Free.		
Tails „ - - - - -	Free.		
Goat, raw or undressed - - - -	Free.		
tanned, tawed, or in any way dressed -	Free.		
Goose, undressed - - - - -	Free.		
Hare „ - - - - -	Free.		
Husse „ - - - - -	Free.		
Kangaroo „ - - - - -	Free.		
Kid, in the Hair, undressed - - - -	Free.		
dressed - - - - -	Free.		
and dyed or coloured - - -	Free.		
Kolinski, undressed - - - -	Free.		
Lamb, undressed in the Wool - - -	Free.		
tanned or tawed - - - -	Free.		
and dyed or coloured - -	Free.		
dressed in Oil - - - - -	Free.		
Leopard, undressed - - - -	Free.		
Lion „ - - - - -	Free.		
Lynx „ - - - - - -	Free.		
Marten „ - - - - -	Free.		
Marten Tails „ - - - - - -	Free.		
Minx „ - - - - -	Free.		
dressed - - - - - -	Free.		
Mole, undressed - - - - -	Free.		
Musquash „ - - - - - -	Free.		

	£	s.	d.
Skins—*continued.*			
Nutria, undressed		Free.	
Otter „		Free.	
Ounce „		Free.	
Panther „		Free.	
Pelts „		Free.	
tanned, tawed, or in any way dressed		Free.	
Racoon, undressed		Free.	
Sable „		Free.	
Tails or Tips, undressed		Free.	
Seal, in the Hair, not tanned, tawed, or in any way dressed		Free.	
Sheep, undressed in the Wool		Free.	
tanned or tawed		Free.	
dressed in Oil		Free.	
Squirrel or Calabar, undressed		Free.	
tawed		Free.	
Tails, undressed		Free.	
Swan, undressed		Free.	
Tiger		Free.	
Weasel		Free.	
Wolf		Free.	
tawed		Free.	
Wolverings, undressed		Free.	
Skins and Furs, or Pieces of Skins and Furs, unenumerated, viz.:—			
raw or undressed		Free.	
tanned, tawed, curried, or in any way dressed		Free.	
Articles manufactured of Skins and Furs		Free.	
Smalts		Free.	
Soap, viz.:—			
hard the Cwt.	0	0	8
soft the Cwt.	0	0	8
Naples the Cwt.	0	0	8
scented or fancy Soap the lb.	0	0	2
Soda, Sulphate of		Free.	
Soy the Gallon	0	0	6
Spa Ware the Cubic Foot	0	0	6
Specimens of Minerals or Fossils		Free.	
illustrative of Natural History		Free.	
Speckled Wood		Free.	
Spectacles		Free.	
Spelter or Zinc, crude in Cakes		Free.	
rolled, but not otherwise manufactured		Free.	
Oxide and White of		Free.	
Rods for Bolts		Free.	
Manufactures of, not otherwise enumerated - the Cwt.	0	2	0
Spermaceti		Free.	
Spirits or Strong Waters, viz.:			
Not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon the Gallon	0	15	0
Of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India			

	£	s.	d.
Spirits, &c.—*continued.*			
Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled, if imported into England or Scotland, the Gallon	0	8	2
„ into Ireland - - the Gallon	0	6	4
Rum Shrub, Liqueurs, and Cordials of and from a British Possession in America, or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid, if imported—			
into England or Scotland - the Gallon	0	8	2
into Ireland - - - the Gallon	0	6	4
Other Spirits, being sweetened or mixed, so that the Degree of Strength cannot be ascertained as aforesaid, and perfumed Spirits to be used as Perfumery only the Gallon	1	0	0
Spirits or Strong Waters imported into the United Kingdom mixed with any Ingredient, and although thereby coming under some other Denomination, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.			
Sponge - - - - - - -	Free.		
Squills, dried - - - - -	Free.		
not dried - - - - -	Free.		
Starch - - - - - the Cwt.	0	0	4½
Gum of, torrified or calcined - - the Cwt.	0	0	4½
Stavesacre - - - - - -	Free.		
Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed - - - the Dozen Pairs	0	2	0
Stearine, till the 5th April 1858, unless the Duty upon Tallow shall be sooner repealed, in which Case the Duty shall cease - - - - - the Cwt.	0	3	6
after the 5th April 1858 - - - -	Free.		
Steel, unwrought - - - - -	Free.		
manufactured or wrought. (See Iron.)			
Scrap - - - - -	Free.		
Stones, viz. :—			
Stone, in Lumps, not in any Manner hewn - -	Free.		
Slate, in rough Blocks or Slabs - - -	Free.		
hewn - - - - -	Free.		
Marble, in rough Blocks or Slabs - - -	Free.		
sawn into Slabs or otherwise manufactured	Free.		
Limestone - - - - -	Free.		
Asphalt Rock - - - -	Free.		
Flint - - - - - -	Free.		
Felspar and Stones for Potter's Use - -	Free.		
Pebble - - - - -	Free.		
for Lithography - - - - -	Free.		
in Blocks, shaped or rough scalped - -	Free.		
Mill Stones, rough - - -	Free.		
shaped or hewn - - -	Free.		
Burr Stones, rough - - - -	Free.		
shaped or hewn - - - -	Free.		
Quern Stones, rough - - - -	Free.		
shaped or hewn - - - -	Free.		
Dog Stones, rough - - - -	Free.		
shaped or hewn - - -	Free.		
Straw or Grass for platting - - - -	Free.		

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated, the lb.	0 0 2½	0 0 2	0 0 1½
Sugar, viz.:			
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - the Cwt.	1 0 0	0 16 8	0 13 4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined - the Cwt.	0 17 6	0 14 7	0 11 8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed the Cwt.	0 15 0	0 12 9	0 10 6
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the Cwt.	0 13 9	0 11 8	0 9 6
Molasses - - the Cwt.	0 5 4	0 4 6	0 3 9

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the Isle of Man, for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
	£ s. d.	£ s. d.	£ s. d.
Upon Refined Sugar in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, not in any way inferior to the Export Standard, No. 3., approved of by the Lords of the Treasury - - - for every Cwt.	0 18 9	0 15 8	0 12 6

Sugar—*continued.*

	Until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia.	For the following Twelve Months after such 5th Day of April.	Thereafter.
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	£ s. d. 0 18 9	£ s. d. 0 15 8	£ s. d. 0 12 6
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1, approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove - for every Cwt.	0 17 10	0 14 10	0 11 10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample, No. 2, approved by the Lords of the Treasury, for every Cwt.	0 16 6	0 13 9	0 11 0
Upon Bastard or Refined Sugar, being inferior in Quality to the said Export Standard Sample, No. 2, for every Cwt.	0 13 9	0 11 8	0 9 6

Sulphur Impressions - - - - -			Free.
Sweet Wood - - - - -			Free.
Talc - - - - - - -			Free.
Tallow - - - - -		the Cwt.	0 1 6
of and from British Possessions - - -		the Cwt.	0 0 1
Vegetable - - - - -			Free.
Tamarinds - - - - -			Free.
Tapioca - - - - -		the Cwt.	0 0 4½
Tar - - - - - -			Free.
Barbadoes - - - - -			Free.
Tares. See Seeds.			
Tarras - - - - -			Free.
Tartaric Acid - - - - -			Free.
Tea,—until the 5th Day of April inclusive which shall first happen after the End of Twelve Months from the Date of a definitive Treaty of Peace with Russia		the lb.	0 1 9

		£	s.	d.
Tea—*continued.*				
for the following Twelve Months after such 5th Day of April	the lb.	0	1	3
thereafter	the lb.	0	1	0
without any Allowance for Draft.				
Teasles		Free.		
Teeth, viz, Elephants		Free.		
Sea Cow, Sea Horse, or Sea Morse		Free.		
Telescopes		Free.		
Terra, viz., Japonica		Free.		
Sienna		Free.		
Verde		Free.		
Umbra		Free.		
Thread, not otherwise enumerated or described		Free.		
Tiles		Free.		
Tin, Ore, and Regulus of		Free.		
in Blocks, Ingots, Bars, or Slabs		Free.		
Foil	the Cwt.	0	10	0
Manufactures of, not otherwise enumerated	the Cwt.	0	10	0
Tincal, unrefined. See Borax.				
Tobacco, the following Duties, with 5 per Cent. thereon, viz. :—				
unmanufactured, stemmed, or stripped	the lb.	0	3	0
unstemmed	the lb.	0	3	0
manufactured, or Segars	the lb.	0	9	0
Snuff	the lb	0	6	0
Stalks and Flour of	prohibited.			
Manufactured in Great Britain or Ireland, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores	the lb.	0	2	$7\frac{1}{2}$
	With 5 per Cent. thereon.			
Tobacco Pipes of Clay		Free.		
Tongues		Free.		
Tornsal		Free.		
Tortoise or Turtle Shell, unmanufactured		Free.		
Toys, viz. :—				
Marbles	the Cwt.	0	1	0
All other Toys	the Cubic Foot	0	0	4
Truffles		Free.		
Tulip Wood		Free.		
Turmeric		Free.		
Turnery, not otherwise described	the Cubic Foot	0	0	4
Turpentine		Free.		
Of Venice, Scio, or Cyprus		Free.		
Oil, or Spirit of. See Oil.				
Twine		Free.		
Ultra Marine		Free.		
Valonia		Free.		
Vanelloes		Free.		
Varnish, containing any Quantity of Alcohol or Spirit, the Gallon		0	12	0
not otherwise described		Free.		
Vases, viz., ancient, not of Stone or Marble		Free.		
Vegetables, all, not otherwise enumerated or described		Free.		
preserved in Salt		Free.		
Vellum		Free.		
Veneers	the Cwt.	0	1	0

		£	s.	d.
Verdigris			Free.	
Verjuice			Free.	
Vermicelli and Maccaroni	the Cwt.	0	1	0
Vermillion			Free.	
Vinegar	the Gallon	0	0	4½
Wafers			Free.	
Walnut Wood			Free.	
Washing Balls	the lb.	0	0	2
Watches of Gold, Silver, or any other Metal, exceeding the Value of 10*l.* each	each	1	0	0
Other Watches, viz.:—				
Gold, open Faces	each	0	5	0
Hunters	each	0	7	6
Repeaters	each	0	15	0
Silver, or any other Metal not Gold:—				
Open Faces	each	0	2	6
Hunters	each	0	3	6
Repeaters	each	0	8	0
Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon)	each	0	0	8
When not in Flasks (as perfumed Spirit), the Gallon		1	0	0
Mineral			Free.	
Wax, viz.:—Bleached			Free.	
Unbleached			Free.	
Myrtle			Free.	
Sealing			Free.	
Vegetable			Free.	
Weld			Free.	
Whale Fins			Free.	
Whipcord			Free.	
Wine, of and from Foreign Countries, the following Duties and 5 per Cent. thereon, viz.:—				
Red	the Gallon	0	5	6
White	the Gallon	0	5	6
Lees of such Wine	the Gallon	0	5	6
The Growth and Produce of any British Possession, and imported direct from thence, the following Duties and 5 per Cent. thereon, viz.:—				
Red	the Gallon	0	2	9
White	the Gallon	0	2	9
Lees of such Wine	the Gallon	0	2	9
The full Duties on Wine may be drawn back upon Exportation or Shipment as Stores, but no Drawback allowed on Lees of Wine.				
Wire, viz.:—Gilt or plated			Free.	
Silver			Free.	
Copper or Brass. See Copper and Brass respectively.				
Woad			Free.	
Wood and Timber, the following Duties, with 5 per Cent. thereon on all Wood and Timber the Produce of British Possessions, viz.:—				
Timber or Wood, not being Deals, Battens, Boards, Staves, Handspikes, Oars, Lathwood, or other Timber or Wood sawn, split, or otherwise dressed, except hewn, and not being Timber or Wood otherwise charged with Duty, the Load of 50 Cubic Feet		0	7	6

Wood and Timber—*continued.*	£	s.	d.
Of and from British Possessions, the Load of 50 Cubic Feet	0	1	0
Deals, Battens, Boards, or other Timber or Wood sawn or split, and not otherwise charged with Duty, the Load of 50 Cubic Feet	0	10	0
Of and from British Possessions, the Load of 50 Cubic Feet	0	2	0

Or, in lieu of ascertaining the Cubical Contents in Pile, the Importer may have the Option, at the Time of passing the First Entry, in respect of Planks, Deals, Deal Ends, Battens, and Batten Ends, not the Produce of the British Possessions, of entering the same by Tale, upon a Computation of their Cubic Content calculated according to the under-mentioned Scale, specifying in such Entry the Number and Dimensions of the several Pieces included therein; and the Duties imposed thereon by this Act shall be ascertained, computed, and charged upon the Planks, Deals, Deal Ends, Battens, and Batten Ends included in such Entry on the Cubical Contents thereof computed in conformity with the said Scale.

	Planks.	Deals.	Battens.		
	3 × 11 Inch and not above 3¼ × 11½ Inch.	3 × 9 Inch and not above 3¼ × 9½ Inch.	3 × 7 Inch and not above 3¼ × 7¼ Inch.	2⅞ × 7 Inch and not above 2⅞ × 7¼ Inch.	2⅞ × 6⅛ Inch and not above 2⅞ × 6⅜ Inch.
	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.	Cubic Feet.
Not above 4 Feet in Length, the 120 - - -	115	95	73	61	57
Above 4 Feet and not above 5 Feet in Length, the 120 -	144	118	91	77	71
Above 5 Feet and not above 6 Feet in Length, the 120 -	173	142	110	92	86
Above 6 Feet and not above 7 Feet in Length, the 120 -	202	165	128	107	100
Above 7 Feet and not above 8 Feet in Length, the 120 -	231	189	146	123	114
Above 8 Feet and not above 9 Feet in Length, the 120 -	260	213	165	138	128
Above 9 Feet and not above 10 Feet in Length, the 120 -	288	236	183	153	143
Above 10 Feet and not above 11 Feet in Length, the 120 -	317	260	201	169	157
Above 11 Feet and not above 12 Feet in Length, the 120 -	346	284	220	184	171
Above 12 Feet and not above 13 Feet in Length, the 120 -	375	307	238	200	185
Above 13 Feet and not above 14 Feet in Length, the 120 -	404	331	256	215	200
Above 14 Feet and not above 15 Feet in Length, the 120 -	433	354	274	230	214
Above 15 Feet and not above 16 Feet in Length, the 120 -	462	378	293	246	228
Above 16 Feet and not above 17 Feet in Length, the 120 -	490	402	311	261	242
Above 17 Feet and not above 18 Feet in Length, the 120 -	519	425	329	276	257
Above 18 Feet and not above 19 Feet in Length, the 120 -	548	449	348	292	271
Above 19 Feet and not above 20 Feet in Length, the 120 -	577	473	366	307	285
Above 20 Feet and not above 21 Feet in Length, the 120 -	606	496	384	322	300

Wood and Timber—*continued.*		£	s.	d.
Staves, exceeding 72 Inches in Length, 7 Inches in Breadth, or 3¼ Inches in Thickness, the Load of 50 Cubic Feet		0	9	0
of and from British Possessions, the Load of 50 Cubic Feet		0	2	0
Staves, not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ in Thickness	Free.			
Birch and Fir, hewn, not exceeding 3 Feet in Length nor exceeding 8 Inches Square, imported for the sole Purpose of making Herring Barrels for the Use of the Fisheries	Free.			
Firewood — the Fathom of 216 Cubic Feet		0	6	0
Of and from British Possessions, the Fathom of 216 Cubic Feet	Free.			
Handspikes, not exceeding 7 Feet in Length — the 120		0	6	0
Of and from British Possessions — the 120		0	0	6
Exceeding 7 Feet in Length — the 120		0	12	0
Of and from British Possessions — the 120		0	1	0
Hoops	Free.			
Knees, under 5 Inches Square — the 120		0	3	0
Of and from British Possessions — the 120		0	0	3
5 and under 8 Inches Square — the 120		0	12	0
Of and from British Possessions — the 120		0	1	0
Lathwood — the Fathom of 216 Cubic Feet		0	12	0
Of and from British Possessions the Fathom of 216 Cubic Feet		0	1	0
Oars — the 120		2	5	0
Of and from British Possessions — the 120		0	3	9
Spars or Poles, under 22 Feet in Length and under 4 Inches in Diameter — the 120		0	6	0
Of and from British Possessions — the 120		0	0	6
22 Feet in Length and upwards, and under 4 Inches in Diameter — the 120		0	12	0
Of and from British Possessions — the 120		0	1	0
Of all Lengths, 4 and under 6 Inches in Diameter, the 120		1	4	0
Of and from British Possessions — the 120		0	2	0
Spokes for Wheels, not exceeding 2 Feet in Length, the 1,000		1	4	0
Of and from British Possessions — the 1,000		0	1	0
Exceeding 2 Feet in Length — the 1,000		2	8	0
Of and from British Possessions — the 1,000		0	2	0
Teak	Free.			
Waste Wood, viz., Billet Wood, or Brush Wood used for the Purpose of Stowage	Free.			
For Shipbuilding, viz.:				
Stringy Bark, Red and Blue Gum, Green Hart, Mora and Locust Woods, and Woods formerly admitted at the same Duty as Teak	Free.			
Treenails of Stringy Bark, Red and Blue Gum, and Locust Woods, and all Treenails of and from British Possessions	Free.			
Shovel Hilts	Free.			
Planed or otherwise dressed or prepared for Use, and not particularly enumerated or otherwise charged with Duty — per Cubic Foot		0	0	2
And further — for every 100*l.* Value		10	0	0
Of and from British Possessions, for every 100*l.* Value		5	0	0

		£	s.	d.
Wool, viz., Alpaca and the Llama Tribe		Free.		
Beaver		Free.		
cut and combed		Free.		
Coney Wool		Free.		
Cotton Wool and Waste of Cotton Wool		Free.		
Goat's Wool or Hair		Free.		
Hare's Wool		Free.		
Sheep or Lamb's Wool		Free.		
Woollens, viz.: — Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, not particularly enumerated, and not otherwise charged with Duty		Free.		
Articles or Manufactures of Wool (not being Goat's Wool), or of Wool mixed with Cotton, viz.: —				
Carpets and Rugs	the Square Yard	0	0	6
Shawls, Scarfs, and Handkerchiefs, plain	the lb.	0	0	4
printed	the lb.	0	0	8
Gloves	the Dozen Pairs	0	0	3
wholly or in part made up, not otherwise charged with Duty	for every 100*l.* Value	5	0	0
Yarn, Cable Yarn		Free.		
Camel or Mohair		Free.		
Raw Linen		Free.		
Silk and Worsted, spun together and not dyed		Free.		
Woollen or Worsted, viz.: —				
Commonly called Berlin Wool or Zephyr Yarn, and Woollen and Worsted Yarn of Two or more Threads: —				
Scoured, bleached, or coloured	the lb.	0	0	6
Not scoured, bleached, or coloured	the lb.	0	0	3
Raw, for weaving, not dyed, or only partially dyed		Free.		
Yeast, dried		Free.		
Zaffre		Free.		
Zebra Wood		Free.		

Goods, being either in part or wholly manufactured, and not being enumerated or described nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland	for every 100*l.* Value	10	0	0
Goods, not being either in part or wholly manufactured, not enumerated or described nor otherwise charged with Duty, and not prohibited to be imported into or used in Great Britain or Ireland		Free.		

TABLE (B.)

DUTIES APPLICABLE TO THE ISLE OF MAN.

Coffee, the Import Duties in Great Britain or Ireland not having been there paid thereon	the lb.	0	0	2
Corn, viz., Wheat, Barley, Bear or Bigg, Oats, Rye, Peas, Beans, Buckwheat, Maize, or Indian Corn	the Quarter	0	1	0
Wheat Meal and Flour, Barley Meal, Oat Meal, Rye, Meal and Flour, Pea Meal, Bean Meal, Buckwheat Meal, and Maize or Indian Corn Meal	the Cwt.	0	0	4½

		£	s.	d.
Hemp		Free.		
Hops, from Great Britain or Ireland		Free.		
Iron		Free.		
Spirits, viz.:—				
Rum and other Spirits of the British Possessions (not being sweetened or mixed Spirits, or Liqueurs, Cordials, or perfumed Spirits)	the Gallon	0	3	8
Brandy, Geneva, and all Foreign Spirits, not being Liqueurs, Cordials, or perfumed Spirits	the Gallon	0	6	0
British or Irish Spirits exported from a Duty-free Warehouse under Bond in the United Kingdom	the Gallon	0	3	0
Such Spirits not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.				
Rum Shrub, of the British Possessions	the Gallon	0	3	8
Liqueurs, Cordials, mixed, sweetened, and perfumed Spirits	the Gallon	0	10	0
of the British Possessions	the Gallon	0	5	0
Eau de Cologne,	per Flask (not containing more than 1 Gallon)	0	0	4
	or the Gallon	0	10	0
Sugar, viz.:—				
Muscovado	the Cwt.	0	1	0
Sugar Candy, White or Brown, Refined Sugar, or Sugar rendered by any Process equal to Refined, Foreign or British	the Cwt.	0	3	0
Tea	the lb.	0	0	6
Tobacco, viz.:—				
Unmanufactured	the lb.	0	1	6
Manufactured	the lb.	0	4	9
Cigars	the lb.	0	4	9
Wine	the Tun of 252 Gallons	12	0	0
Wood, all Sorts		Free.		
Goods, Wares, and Merchandise brought from Great Britain or Ireland, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty		Free.		
Goods, Wares, and Merchandise, the Growth, Produce, or Manufacture of and brought from Great Britain or Ireland, and not herein-before charged with Duty		Free.		
Goods, Wares, and Merchandise, not the Growth, Produce, or Manufacture of Great Britain or Ireland, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon		Free.		
Goods, Wares, and Merchandise imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every 100*l.* of the Value thereof		15	0	0

Customs Tariff Acts Amend ment and Consolidation.

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Amendment and Consolidation of th Customs Tariff Acts.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 25 *July* 1855.

[Bill 270.]

Under 5 oz.